Supreme Court, U.S.
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No.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1998

MARK B. RASMUSSON, et. al.,

Petitioners,

v.

LAWRENCE E. FROST, et. al.,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

APPENDIX C
Petitioners and Supporting Affidavits

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APPENDIX C

PETITIONERS AND SUPPORTING AFFIDAVITS

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AFFIDAVIT OF MARK B. RASMUSSON

1. I, Mark Rasmusson, state that I am the owner of Rasmark Jet Charter, Inc. located at 6915 Boeing Dr., El Paso, TX 79925. I have been a licensed pilot since 1978.

2. My father, Mr. Marlin B. Rasmusson died on May 1, 1979 and left his estate valued at approximately seven million dollars which was to be divided 40% to me, 40% to my brother Robert Rasmusson, and 20% to Janet Wherry, my half-sister. Before distribution of inheritance, we paid $3.9 million dollars in Death Taxes to the Internal Revenue Service; this amount was paid in cash. The moneys were to be paid 1/3 in 5 years, another 1/3 in 10 years, and the balance 1/3 in 15 years from May 1, 1979. However, my brother Robert died in an accident on July 15, 1981; my father's estate was now divided between me and Janet, 60% and 40%, respectively. Between July 15, 1981 and November 18, 1985, I had received $1,165,853.23 and Janet $205,000.00, and the balance in the estate to be distributed was $657,104.70, (see Appendix D, Vol. 1, Exhibit 1).

3. My mother, Vera Rasmusson, died on August 29, 1980, and her entire estate was willed to me and my brother Robert to be divided equally. In the event of the death of either son, the remaining survivor would inherit the entire estate. My mother's trust paid me 1/3 of the estate on my 25th birthday, April 14, 1980, 1/3 on my 3oth birthday, April 14, 1985, and I received the balance of 1/3 on my 35t' birthday, April 14, 1990. Because of my brother's untimely death, August of 1981, 1 inherited both my mother and my brother's estates both valued at approximately $1,052,230.60, (see Appendix D, Vol. 1, Exhibit 2).

4. My father and mother made their wealth by their own hard work. My father invented the popsicle frozen stick confection machine. He had 47 patents and sold these machines worldwide. He sold the company in 1963 to FMC Corp. He was then an investor, and received royalty income from his patents. He was very dedicated and very honest. He would pay his taxes and never try any tax schemes, like

oil wells, etc., to cheat the government out of tax money. He would never drive I MPH past the speed limit. These are the values with which I grew up. We had more money than we could ever use, but he never tried to impress people with his money. Later, he told me to take "the business where the action is," (he built his business to where he supported about 1,000 employees). So like he did with the POPSICLES, I did with the Air Charter business. This brought me to El Paso, Texas where I moved to do business; I had no family or friends or any other reason for moving to El Paso.

5. I moved my air charter business to El Paso, Texas in 1987 to grow with the NAFTA and maquila industrial growth. We were happy with Ford Motor Company as our main customer and they were at least 80% of our business. All of our competitors were jealous. We traveled to Detroit to meet with FORD officials about the national contract and they were pleased with our excellent service record and competitive rates. FORD was giving us the opportunity to win the national contract. We were very optimistic until SA Frost caused our open doors to close before our very eyes, accusing me and Deborah Rasmusson of being in the drug smuggling and money laundering business. Although we have never engaged in the drug business, individually, jointly or through our company Rasmark, we were defenseless against our very own government accusing us of such crimes. We knew we were innocent and thought that if we kept concentrating on our business that the government would soon realize their mistake. However, matters got worse, as I will explain in more detail below.

6. My mother, Vera Rasmusson, earned her wealth by marrying my father, Marlin Ben". They divided their money before dying. My mother was younger than my dad by 17 years; however, when he died, she gave up and died the next year. My younger brother "Bob" died the following year 1981, he was 24 years old. My whole family was gone in 3 years. I learned a great lesson that life has no guarantees to anyone, and that I needed to be serious about my life and look after the family fortune with my business.

7. I started my company the next year 1982 with all my inheritance. After working 15 years and investing all of my family's

money in this business, I sure am glad SA Frost, the U.S. Customs Service, and other agents, haven't totally ruined my life, and family fortune, and I am able to fight back as best as I can with this lawsuit. I hope no other law-abiding citizen is ever subject to these 'Nazi Tactics" designed to ruin peoples' lives and businesses, at the gain of some promotion and confiscation happy agents, like SA Frost.

8. In 1982 I started Rasmark Air, Inc. located in Reno, NV. In 1983 I formed Rasmark Jet Charter Inc., a Nevada corporation. In 1986 , I relocated to El Paso and incorporated Rasmark jet Charter, Inc. in Texas. I currently own two Lear Jets 24 and three Lear 25's and two Falcon Jets and one Aero Commander. My business is currently valued at approximately 5 million dollars and I have outstanding loans of approximately 2.8 million dollars.

9. The purpose of this affidavit is to document a campaign of harassment, intimidation, and retaliation conducted against me by agents of the U.S. Government, primarily the US Customs Service, and through the federal government task forces, in particularly, under the direction of USCS Special Agent Larry Frost.

10. Two to three years after forming my own air charter company, I did some contract flying for Gail Beech, owner of Aero Freight, an El Paso based air charter freight company; I subcontracted flights for her. I quit subcontracting for her in 1987, due to her slow pay habit and other tactics she used to ruin my business. I discontinued doing business with her when she announced her purchase of her own Lear N251AF (which she still owns today); previously, she owned no aircraft. This made her a direct competitor instead of a broker, as she was in 1986-1987. She was very bitter and tried everything from calling the FAA, Customs, or any other agency to put us out of business; this was her only form of competition, as her service was not winning her any business. I owned the following planes 2 Lear jets and I Cessna 210. My business was primarily directed at the Air Freight market but I also offered passenger charters and air ambulance.

11. Shortly after my arrival in El Paso, my business began to expand rapidly. I was flying regular flights for Ford Motor Co. and

several other regular customers. Much of the business I obtained from Ford had sometimes been flown by Gail Beech who in turn brokered the business to assorted carriers and Aero Freight. Although I was pleased with the way my business was growing, I became concerned that my pilots and planes seemed to be coming under unreasonable scrutiny by US CS officers. On several occasions my pilots, my passengers, and I were treated roughly and forced to disrobe when being inspected by USCS officers. It was not uncommon for us to be delayed more than 2 hours at each crossing. Officers would strip search my clothes, shoes, wallet, and leave me in my underwear, on at least 2 occasions, but I was delayed two or more hours at every crossing.

12. In the beginning, I thought that such searches were routine along the US-Mexico border but I learned that other charter companies were not being searched as frequently and in the same manner as my flights were being searched. While returning my son Mark, Jr. to his mother's custody in Sacramento, California in 1990, we flew to Sacramento in our Lear jet N44CP. After parking the aircraft, I was surrounded by 5 agents. These agents wore blue jeans and flowered shirts (Hawaiian style); they all had shoulder length hair; they surrounded me, I didn't know if they were bad guys or what, and they showed badges stating they were DEA agents. They directed me to the detention facility at the airport along with my son and wife Debra. They questioned us as to what we were doing and where we were going; they asked to searched the aircraft which I allowed. They asked to search my son's "Teddy Bear' which we allowed and the agents then guttered the "Teddy Bear" with their knives while my son (6-7 years old) and I watched. I had no idea they were going to do that. I explained to my son that the agents were "bad guys'. Debra learned to deplore the agents and officers as this type of treatment happened time and time again, and we were honest, hard working people. Whatever USCS put in their computer was certainly red flagging and singling us out wherever we went, international or domestic, with any government agency, police, sheriffs, DEA, FBI, etc.

13. The following are other examples of unreasonable searches. On or about 10-6-88 one of my planes was on the ground at the Brownsville, TX airport preparing to take off on an automotive parts

charter. The pilot in charge, Jerry Burnett, had started one engine and was in the process of starting the second engine. Several armed officers, maybe 25, later identified as US Border Patrol Agents, armed with automatic weapons, shotguns, and pistols, dressed in camouflage gear, surrounded the plane and ordered the pilot and crew to exit the plane immediately. Pilot Burnett could not shut down the engines immediately without creating an extreme fire hazard with the unburned fuel.

14. While Burnett waited one or two minutes to kill the jet engines, an agent threatened him with a shotgun. When Pilot Burnett was able to exit the plane, the agent poked the shotgun into Burnett's stomach. The agent was nervous, shaking badly, and Burnett feared that the agent would discharge the weapon accidently and kill Burnett.

15. The Border Patrol Agent in Charge told Burnett and the crew that the agents were acting under US Customs authority. When the crew members were asked for ID, the co-pilot reached in his back pocket for his ID. When he did so, several of the agents pointed guns at him. The co-pilot was so scared that he defecated in his pants. The agents made a thorough search of the crew and the plane while holding the crew at gunpoint. Finding absolutely nothing, the agents allowed the crew to reboard the plane and return to El Paso. It is further noted that this particular flight had not been outside the US and was not returning from Mexico. The plane was also not able to complete its revenue flight, due to the time delay, (see Appendix C, Exhibit 11).

16. In 1990 or 1991, I made a flight to Vancouver, BC, Canada with my wife at the time, Deborah , and two passengers, Chris Yarber and Felix Podregon. My wife and I left Vancouver on a cruise on the "Star Princess Ship". When Yarber and Podregon returned to my plane, they and my crew were strip searched by Canadian officers. My plane was searched thoroughly but no
contraband of any sort was found. The Canadian officers kept asking, "Where are the drugs?". I feel certain that the search by the Canadians and the rough treatment of my crew and passengers was based upon a USCS 'lookout" placed on my plane. I have attached an affidavit from Chris Yarber,(see Appendix C, Exhibit 19). Also while clearing Canada customs at Vancouver, after returning from Alaska, we were delayed 3

hours. I believe the USCS was behind this unusual delay. While they searched all of our luggage in a separate room from the other passengers, they inspected each and every item one by one asking questions about each item. The delay caused us to miss our limousine that we had reserved. We then went to (BFI) Seattle Airport for U. S. Customs who cleared us and then sent a police car onto the runway to stop our aircraft with the red lights on. We stopped the aircraft and the car then retreated allowing us to finally
depart. We were certainly on some kind of computer 'Red Flag" in Canada and U.S.A.

17. On or about 6-16-93, one of my planes was sent to Douglas, AZ to pick up a load of seat belts from Allied Signal Co. The cargo was consigned to Mark III Industries, Ocala FL. When the plane landed at Love Field, Dallas to refuel, it was surrounded by a USCS helicopter, a USCS. Citation Jet, and a van bearing 8 or 10 armed officers from USCS and the Dallas PD. The agents, with drawn guns, surrounded the plane and ordered the crew to exit the aircraft. The co-pilot, Mr. Bertilsson was ordered to kneel on the tarmac. He was immediately handcuffed and placed in the van. The pilot, Mr. Jackson, was also ordered out of the plane at gunpoint and ordered to kneel on the tarmac with his hands over his head.

18. Mr. Jackson complied with the orders given by the armed agents. He was then ordered to move the plane to the Jet East area, the Fixed Base Operation on the east side of the airport. He moved the plane as ordered. Upon arriving at the designated parking area, Jackson was asked by a female agent to sign a consent search form to allow the agents to search the plane. She told Jackson that if he refused to sign the consent search form, the plane would be held overnight until a search warrant could be obtained the following day. Since the cargo was ""time sensitive" and had to be delivered to
Florida ASAP, Jackson was forced to sign the consent and allow the search.

19. The boxes of seat belts were removed from the plane and a drug dog was used to search both the plane and all the cargo boxes. No contraband of any sort was found on the plane or in the cargo. Mr.

Jackson asked why the plane and cargo had been searched and the agent replied that they, the agents, received information that the plane "needed checking". The agent further stated that Rasmark was on a 'hit list". After searching the plane and cargo, the agents removed the handcuffs from Mr. Bertilsson and he was released. Again, I feel very strongly that this unreasonable search was based upon a 'lookout" placed by USCS in El Paso. Furthermore, the delay caused concern by our customer, and we missed the next already scheduled revenue flight out of Florida due to the time delay. This caused loss of income to RASMARK at each and every delay, (see two handwritten statements of pilot David Jackson, Appendix D, Vol. 11, Exhilbit 33).

20. On many other occasions, I felt that I, my pilots, crew and passengers were subjected to rude, rough, and unprofessional searches by either UCSC officers or from officers of other agencies acting on 'lookout' information furnished by USCS officers, particularly SA Frost. I personally had to refer to the treatment as "SS Nazi tactics".

21. In 1989, I felt that the unreasonable searches by USCS were seriously affecting my business especially the passenger charters. The frequent searches, some conducted at gunpoint, where my pilots were handcuffed, were demoralizing and degrading to my pilots. In the many searches of my planes, pilots, passengers, and cargo, no contraband of any sort was ever found. In some cases, the planes were searched with drug dogs but no trace of any narcotics was ever located because I am not in the drug or money laundering business!

22. Since I was convinced that, for some reason, I had become the object of a USCS "vendetta", I wrote a letter to US Senator Ted Kennedy to plead my case. My letter was forwarded by Senator Kennedy to Senator Bentsen and then to the US Commissioner of Customs. Rather than solving my problem, my letter seemed only to incense USCS officers in El Paso. I soon learned that I and Rasmark had become the object of an active USCS and DEA criminal investigation.

23. My employees and my business competitors were interviewed. One competitor, Gail Beech, owner of Aero Freight, used these interviews to furnish false, misleading, and slanderous information

about me and Rasmark to USCS and later to officials of Ford Motor Co., one of my major customers. Both my residence and my business were under surveillance from time to time. I noticed agents tailing me in my car and eavesdropping at restaurants and placing surveillance at a hotel in 1993, (see Appendix C, Exhibits 22 and 25).

24. In 1990 I was flying occasional passenger charters for Jesus Flores, an El Paso building contractor. Mr. Flores was indicted for drug smuggling in June 1990 as a result of a DEA investigation. Although I had very little personal contact with Mr. Flores, I was also named in the indictment which charged me with aiding and abetting by providing transportation.

24(a). On October 18, 1990 after I was indicted, two IRS agents, Bob Martinez and a dark hair female, came to my office at RASMARK and showed their ID. They proceeded to question me about Jesus Flores. They did not read me my Miranda rights, even though I told them I wanted my lawyer to be present. I felt coerced into answering their questions because they were so persistent: they asked to see all transaction records with Mr. Flores; how Flores arranged his flights; about my relationship with Pete Seaverns and if Pete introduced me to Jesse--which he did not and I told the agents that. I also told the agents that whenever Jesse Flores, or someone on his behalf, called RASMARK to arrange their flights, they talked to RASMARK's dispatchers, not me or Deborah. They wanted copies of Flores invoices which I directed my secretary to make copies of and gave them to the agents. After they continued to ask for more
information, I told them again that I wanted my lawyer present and a subpoena; at which time Agent Martinez said to me, "Don't worry, I'll get you before the Grand Jury where you can be punished for lying." Then they left.

25. I went to trial at El Paso in January 1991. No credible evidence was presented during my trial and the Federal Judge ordered my acquittal. There was no evidence introduced at the trial indicating that I assisted Mr. Flores in any way other than providing Jet Charter passenger service for which he paid me. No evidence was introduced that I ever profited unreasonably or illegally through my business

relationship with Mr. Flores or that I ever knew that he was involved in drug trafficking.

26. After my acquittal in early 1991, I hoped that I could continue to operate my air charter service without any more harassment. Although DEA apparently terminated their investigation of me and Rasmark, USCS initiated an extensive multi-agency task force investigation, and I became one of the targets of that investigation. The USCS investigation was led by USCS Agent Larry Frost and was supported by officers from the El Paso PD, El Paso Sheriff's Office, IRS, INS, and the FBI. I have learned through depositions that a major investigation was conducted by the Task Force, apparently directed at Guillermo Portillo. The investigation of Rasmark was supposedly only one facet of the larger Portillo investigation.

27. Using information obtained from my competitor, Gail Beech, information which Beech herself characterized as 'rumor and hearsay", USCS agents led by Agent Frost began an intense investigation of my activities in mid 1990. Andy Gantkessy, an employee of Ford Motor Co. was targeted as a possible informant to be used in the investigation against me. Agent Frost used NA gestapo Nazi type" tactics against Mr. Gantkessy to try and force him to become an informant for USCS. These tactics included threats made to Mr. Gantkessy, a heart patient and former victim of a stroke, while being interviewed by five or more agents at once. Two intense interviews were conducted with Mr. Gantkessy by USCS and other
federal agents in an effort to force him to 'cooperate" with USCS. When Mr. Gantkessy was told by his lawyer to refuse to talk to USCS, Agent Frost and other USCS officers initiated a campaign to terminate the Rasmark business relationship with Ford and to cause Ford to fire Mr. Gantkessy and deny him his pension after 24 years of employment. They achieved their goals.

28. Agents Frost and Schroeder met with Ford officials on more than one occasion and furnished false and misleading information to Ford about me, Rasmark, and Mr. Gantkessy. Through this false and misleading information, my credibility with Ford was undermined and my business relationship with Ford, previously my largest customer,

was terminated.

29. The information released to Ford by Agents Frost and Schroeder was released directly to Ford officials Tim Pomaville and Phil Asiala, Ford Security officer and Personnel official. In an El Paso meeting on B-18-93, Agent Frost told Pomaville and Asiala the following (See Appendix D, Vol. 11, Exhibits 20-21, Ford memo #FI000294, dated B-18-93):

1. Mr.Gantkessy was deeply involved with me, Deborah, and Rasmark and was accepting money, air transportation, and other forms of 'kick-backs" from Rasmark. This was actually some football tickets to maybe 4 games; some poker chips during a Las Vegas trip, which Andy returned; and, as I recall, Andy won the free trip from a drawing at an Amigos Airsho. Besides Andy could have had the tickets from any carrier he dealt with; this included Emery Air Freight, Burlington Northern, and many others. Andy was hardworking; he started at 5:00 AM and sometimes loaded freight past midnight, to personally see Ford's freight was ""on time'. Fraudulent invoicing and kickback or payoff schemes were an invention of agent Frost. Rasmark Jet was honest and we had a published tariff sheet with Ford. Our service surpassed our competitors, that's why we had the business; of course, all of our competitors were jealous we had Ford's business, especially Gail Beach, (see Appendix D, Vol. 11, Exhibits 22-22C).

2. There were 11 full time, federal agents from other agencies investigating this (the Rasmark) case.

3. The case centered on drug trafficking between Mexico and the US.

4. Andy Gantkessy had become a part of the investigation.

30. Much of the above information furnished by Agent Frost was false or deliberately misleading. My rebuttal is the following.

31. There was never any proof , other than Mr. Gantkessy's admissions made under duress, that he received any money from

Rasmark. Mr. Gantkessy may have accepted air flights from Rasmark but these were not illegal; he always offered to pay the equivalent value of an airline seat, however, I don't recall if this was collected or not. The point is that Debra and I were going anyway on these trips and Andy was no addit onal costs to Rasmark or us personally. Under no circumstances did he demand or take a trip personally, without Debra and I not being with him. It was not only good business but he was a friend as well. Whether Andy violated Ford's policy is not for me to say; however, Ford was aware that RASMARK participated in the Amigo Air Show, along with various other charitable events, with which we gave prizes of a free trip to Las Vegas or other sporting events. We have donated and given these Las Vegas trips to charitable organizations to raffle off for their benefit. We always have a raffle at the Amigo Airsho, like the trip that Andy won at random. Information furnished in the January 1997 depositions of officers involved in the USCS Financial Task Force and a review of all the USCS reports indicate that Gantkessy was never the target of any criminal investigation. Both the interviews conducted with Gantkessy by task force officers in June 1993 were aimed at forcing Gantkessy to become an informant. Although this fact was denied by both Frost and Schroeder, it was confirmed in the deposition of FBI Agent Acosta. No criminal charges were ever filed against Mr. Gantkessy and little or no investigation was ever conducted with that intent. Neither were any charges ever filed against me or Deborah.

32. If any criminal charges, i.e. a 'Kick-back" violation, were contemplated against Mr. Gantkessy, the charges were never properly investigated by USCS or the FBI. Key Ford employees at El Paso who would have known about such a scheme were never interviewed by any Federal Officer. This includes Beverly Enriquez and Manuela Barron.

33. Again Agent Frost lied or misled the Ford officials. The USCS Financial Task Force was conducting a major money laundering investigation which lasted several years. This was established during the depositions of task force members in January 1997. The Rasmark case was only one aspect of the larger case which probably focused on Guillermo Portillo. I don't know how many agents worked full time on my case, but I believe there were more than eleven full time federal

agents assigned to my case at different points in time. I believe Agent Frost lied to the Ford officials to impress them with the seriousness and scope of my case. However, I do believe that USCS had absolutely no problem in gathering up more than 11 agents on numerous occasions for the purpose of harassing, intimidating and retaliating against me and my company.

34. This case(Rasmark) centered on drug trafficking between Mexico and the US. Again Agent Frost lied and misled Mr. Pomaville and Asiala. Testimony from all the government witnesses deposed during January 1997 revealed that the investigation of both the larger case, probably Guillermo Portillo, and my case focused on money laundering and not on drug trafficking. During the many years of the Portillo investigation and the many months when a portion of the investigation focused on Rasmark, no seizure of any narcotics was made which was connected in any way with me or Rasmark. Agent Frost stated during his January 1997 deposition that during the entire course of the USCS task force investigation which focused on me and Rasmark, there was "no factual evidence developed that I was transporting drugs," (See Appendix H, Exhibit 1, Page 121, LI-S.)

35. When questioned in detail in this regard during his January 1997 deposition, Agent Frost testified that the only narcotics seizure related to my case was the seizure of 1/10 gram of marijuana from a vehicle driven by Deborah Rasmusson and some trace amounts of narcotics alleged to have been found in the trash from my former residence. It was noted that the trace amounts of narcotics found in the residential trash were obtained from an El Paso Sanitation Department worker who was never identified by the agents who received the trash. The alleged narcotics were never processed by a crime lab and no fingerprint examinations were conducted. Assuming that the narcotics actually came from my residential trash, several people ,including construction workers remodeling the house at the time, could have been the source for the narcotics. I personally was not living in the home at this time as Debra filed for divorce on March 19, 1993, and I did not live in the home after that.

36. Intense investigations by DEA and the USCS Financial

Task Force over several years failed to reveal any credible evidence that any of my planes or vehicles were ever used to transport any controlled substance or illegal currency or that I was ever involved in any way with drug trafficking. My pilots all testified that I had very rigid rules for flights made into Mexico to assure that no one was allowed to carry any contraband on my planes.

37. That Andy Gantkessy had become a part of the investigation. Again Agent Frost lied or misled the Ford officials. Agents form the Financial Task Force made a very strong effort, through threats and intimidation to recruit Mr. Gantkessy as an informant to be used against me and Rasmark. No criminal action was ever attributed to Mr. Gantkessy and little or no investigation was conducted of which he was a criminal target. The federal agents, who never advised Mr. Gantkessy of his rights during the intense interviews , testified during depositions that Mr. Gantkessy was interviewed as a witness only. Their testimony clearly indicated that their intent in focusing on Mr. Gantkessy was to recruit him as an informant. There is no investigative information which ever involved Mr. Gantkessy in any criminal violation.

38. I believe Agent Frost furnished the false and misleading information to Ford to discredit Mr. Gantkessy and in turn to influence Ford to terminate their business relationship with Rasmark.
The unlawful release of investigative case information by USCS agents to Ford Motor Co. was a major factor in Ford's decision to terminate Mr. Gantkessy, deny him his pension after 24 years of faithful service, and to terminate the Rasmark-Ford business relationship. The Favesa Division, whom Andy worked for, was sold to Lear Seating Corporation in December 1993. Ford's employees stayed and Rasmark was never considered for business as they had the same negative attitude and called us "drug running renegades'. However, note that Gail Beach now has the local ground service contract with Lear Favesa and Lear will not even talk or consider Rasmark for the service, due to all the negative input from USCS and Gail Beach. Gail Beach had bad mouthed Rasmark to Ford before and Ford ignored the rumors and continued to use us; however, only when Gail Beach combined her efforts with the USCS, Frost and other agents, Ford terminated its business relationship

with Rasmark, which continued with Lear Seating when they bought the division from FORD.

39. During the time I was flying for Gail Beach, she was very supportive of my work. When she bought her own Learjet and became a business competitor, Beach became hostile and vindictive. She started spreading rumors about me, and my wife Deborah. Beach also made false statements about me and Rasmark to officials of Ford Motor Co., FAA, and to USCS agents.

40. According to documents obtained from Ford Motor Co. by Mr. Gantkessy and attached to this affidavit(see Appendix Cl, Exhibit 37, Ford confidential memo dated 1-2-92, Ford-number F1000196) Beech advised as follows:

41. Beech stated that Gantkessy and/or Sudomir had a sweet deal with Rasmark. She stated that there were rumors that Gantkessy, and possibly Sudomir, were receiving sexual favors and were possibly on the Rasmark payroll. She claimed that Rasmark violated FAA regulations on a regular basis, damaged Ford freight, delayed flights, used several Lear Jets when one Falcon Jet could carry the same cargo, and charged Ford higher rates than the other air charter carriers. She described me as a poor little rich boy who was a
poor businessman. She also furnished the Ford officials slanderous information about me and my ex-wife Deborah.

42. No Ford employee at El Paso or Detroit ever confirmed any of the above allegations made by Beech. On the contrary, Ford employees, such as Beverly Enriquez and Manuela Barron stated that Rasmark not only provided the most reliable charter service, was available on short notice, but also charged the lowest rates. Ms. Barron stated that in 1989-1990 Ford Favesa used Rasmark because "They were cheaper and most cooperative." Barron stated that as an example on CISA charters to Hermosillo, Mexico, Rasmark charged $3,000.00 per flight and the other carriers including Aero Freight charged $4,000.00 to $4,500.00. It is noted that the notes of the interview with Ms. Barron reflect much more information favorable to Rasmark than is reported in the written summary. Barron's statement that Rasmark was $1,000.00

per flight cheaper than other El Paso charter carriers was not included in the typed statement. See Appendix Dl, Exhibit 38, Ford memo F1000413).

43. Beverly Enriquez, a Ford Favesa employee who handled cargo shipments including air charters, stated in an affidavit that there was never any indication that Rasmark double invoiced or over billed. She stated that Rasmark's freight rates were always competitive with other air carriers, including Aero Freight, (See Appendix C, Exhibit 16, affidavit of Beverly Enriquez).

44. Beach also furnished much of the same false information to USCS Agents Frost and Mills in an interview conducted on 3-9-93, (See Appendix G, Exhibit 25, USCS report number 066 dated 3-22- 93). Beach made many of the same slanderous, false allegations which she also made to the Ford officials. These included allegations about me, my ex-wife Deborah, Andy Gantkessy, and Rasmark. Although Beech claimed under oath that she told the agents that most of her information was based upon "rumor and hearsay" , the agents used the information as though it were truth. I believe that the false and misleading information which Beach furnished to Ford and USCS was deliberately furnished by Beach in an effort to damage my business relationship with Ford
Motor Co. I had previously been in contact with Ford officials in Detroit and felt that Rasmark was about to be awarded a multi- million dollar National contract with Ford valued at 31 million dollars per year. The false information provided to Ford and USCS by Beach caused irreparable damage to my personal reputation and that of Rasmark causing me to lose any opportunity to secure the Ford contract.

45. As proof of Beach's unreliability she is quoted in a Ford memo dated 9-21-93, Ford #1000410-11, page 2, para 4,(See Appendix DI, Exhibit 39). "Joe (Sudomir) was a tough customer, demanded that everything be done properly, and was never known to accept any form of gratuities." In a confidential Ford memo dated 1-2-92 (see Appendix DI, Exhibit 37,Ford #FI000196- #FI000202, top of #FI000197). Beach stated that 'rumors suggested that Gantkessy and possibly Sudomir are receiving sexual favors and are on the Rasmark payroll." In the 3-9-93

interview with USCS Agents Frost and Mills,(see Appendix G, Exhibit 24), Beach stated, "The Rasmussons were engaged in a "kick-back" scheme with Sudomir and are currently engaged in such a scheme with Gantkessy." Beach stated that , ""Deborah was paying Sudomir approximately $1,000.00 per trip which Sudomir brokered through Rasmark for Ford Favesa."

46. The above statements allegedly made by Beach to Ford and USCS are in direct conflict and seriously reflect on the credibility of all the information furnished by Beach to both Ford and USCS. In fact, Agent Frost, knowing that the information furnished by Beach was only "rumor and hearsay', used some of Beach's information in a sworn affidavit given to obtain a search warrant for my home and business, (See Appendix G, Exhibits 3A, Para. 67 and 3E, Para. 68, affidavits of SA Frost dated 11-19-93).

47. Beach also made the following allegations during the 3-9-93 interview with USCS agents, (see Appendix G, Exhibit 24):

1. Numerous slanderous attacks on my character and personal life relating to my meeting and marrying my ex-wife, Deborah.

2. George Arnold used my Cessna 210 airplane to smugg le and transport marijuana. I never authorized or allowed this, George Arnold simply stole the airplane from me, which 1, myself, reported to the U.S. Customs.

3. Rasmark was involved in a 'kick-back" scheme with Joe Sudomir and Andy Gantkessy which involved $1,000.00 per trip pay offs to Sudomir, which I absolutely deny.

4. Andy Gantkessy was sexually compromised by Deborah Rasmusson and was also accepting 'kick-backs' from Rasmark. To my knowledge, Andy is a heart patient and happily married for over 30 years; there is absolutely no truth to this allegation.

5. I kept large amounts of money in banks in the Cayman Islands which is false; I have never had a bank account in the Cayman

Island.

6. Alleged that I made flights for 'illegal purposes' using a co-pilot named Huysman. She failed to further identify these 'illegal flights". Art Huysman was a Lear copilot and later captain, legally and properly checked out in accordance with the FAA regulations.

7. Alleged that Rasmark paid pilots $100.00 per violation of each FAA regulation which is false.

8. Alleged that Rasmark was being allowed to "float" checks for as much as $50,000.00 by State National Bank in El Paso which is false.

48. I categorically deny all the above allegations made by Beach. During the hundreds and perhaps thousands of investigative man hours of investigation conducted by agents of the federal government prior to my trial and up to the present, none of the allegations made by Beach have been proven.

49. I believe that Beech's statements to Ford and USCS were made deliberately to discredit me and Rasmark and to eliminate Rasmark as a business competitor , particularly with Ford . Beech's actions were motivated by greed. Once I was no longer under exclusive contract to her company, I became a competitor and a threat. Beech lost business with Ford and she the opportunity provided by USCS task forces to join forces with them to slander me with Ford in an effort to ruin me personally and disrupt my business with Ford.

50. Regarding the actions of Agent Frost, I believe that he engaged in a deliberate effort to ruin my business and to destroy me financially. Although I have been denied access to the information regarding USCS 'lookouts' placed on me and my airplanes and vehicles, I believe that USCS records will reflect that Frost kept "lookouts" in place months after they should have been cleared.

51. Agent Frost constantly exaggerated and misstated the facts of the investigation of which I was the target. Mr. William Cole, a Nevada Attorney for my ex-wife, Lori Nelson, advised as follows in

an affidavit dated 7-10-92 . (See Appendix D, Vol. 11, Exhibit 19).

52. Agent Frost advised Mr. Cole that ""the Rasmussons were the subjects of an ongoing investigation by Federal authorities relating to criminal charges which had been previously dismissed during a trial because a witness failed to appear and testify." Again Agent Frost lied.

53. Agent Frost further advised Mr. Cole that Deborah Rasmusson had come to Frost's office 'high on controlled substances and had admitted that she was addicted to controlled substances and had been for many years." Deborah was only in Agent Frost's office on one occasion, that being 5-23-92 when Frost and other USCS agents seized a box of Rasmark business records from Deborah. On that occasion, while attempting to persuade Deborah to sign a consent to search form, Frost allowed another USCS agent to purchase beer and furnish it to Deborah while she was being interviewed for several hours in the USCS office.

54. Agent Frost used some of the same information obtained from Deborah during the extended interview on 5-23-92 for his affidavit for search warrant dated 11-19-93, (see Appendix G, Exhibits 3A, Para. 35-44 and 3E, Para. 35-45). The information was used even though , according to Frost, Deborah was high on some controlled substance at the time. Deborah allegedly told Agent Frost that "Mark Rasmusson ships approximately 1,000 lbs. Of US currency out of the U.S. twice a week on behalf of his criminal associates". The fact that Agent Frost would use such a ridiculous statement obtained from someone he described as 'high on a controlled substance", indicates that Agent Frost has no regard for the truth.

55. Agent Frost used additional false and misleading information in his 11-19-93 affidavits for search warrant. Some of these untruths and distortions are:

56. Page 2, para 4 [see para 8]

> "The portion of this investigation which related to Mark Rasmusson and Rasmark was predicated on facts which indicated that Mark and Debra Rasmusson had provided transportation of controlled substances, currency, and people in their aircraft in furtherance of the controlled substance conspiracy carried out by the Jesus Flores organization."

57. I was never accused by DEA of transporting any controlled substance. There has never been any factual evidence developed by DEA, USCS, the FBI or any other law enforcement agency that any of my planes or vehicles were ever used to transport any controlled substance. Agent Frost finally admitted in his January 1997 deposition that no evidence was ever developed that I ever transported controlled substances. (See Appendix E, Exhibit 1, Page 34, L12-18).

58. Agent Frost stated he reviewed all reports of DEA and the trial transcripts which related to my trial. During his deposition in January 1997 Agent Frost testified that he never contacted the DEA case agents who handled my case, special Agents Lenox and Perkins. It was also obvious that he never reviewed all the trial transcripts from my trial as he stated under oath in his affidavits for search warrant in November of 1993.

59. Agent Frost stated in page 5, para 2, that Jerry Burnett, a Rasmark pilot, was quoted in a DEA-6 report as having stated that he, Burnett, and Mark and Debbie Rasmusson concluded that "Flores was in the illegal drug business" and that Burnett had several conversations with me and Debbie in which Debbie and I told Burnett that we knew that Flores was in the drug business, (see Appendix E, Exhibit 13).

60. Mr. Burnett denied that he ever made such statements. At my trial, Mr. Burnett, a witness for the Government, testified under oath that I never remarked to him, Burnett, that Mr. Flores was involved in any illegal activities, (See Appendix F, Vol. 11, Exhibit 48, Page 870, L24-25 and Page 871, LI-6, Criminal Trial Transcript). Mr. Burnett also

testified that I never told him that I knew that Mr. Flores was allegedly violating the law. (See Appendix F, Vol. 11, page 884, LIB-25 and Page 885, LI-3 of the Criminal Trial Transcript). No effort was made by the AUSA handling the prosecution to impeach the testimony of Mr. Burnett.

61. If Agent Frost reviewed the trial transcripts as he stated under oath, he would have known that the statements attributed to Mr. Burnett were not true. Nevertheless, he used this false and misleading information and swore under oath that it was true. Agent Frost acknowledges that Burnett denied the above statements regarding my knowledge of Mr. Flores' criminal activities. However, the fact that he used the false information in an affidavit indicates that Agent Frost was determined to characterize me as a person involved with narcotics traffickers.

62. Agent Frost further alleges that I have committed violations of IRS and that I am guilty of tax evasion. On 5-27-92 Agent Frost opened a box of my business records obtained by a federal search warrant. Agent Frost stated in his affidavit of 11-19-93
that "The contents of the box upon analysis indicated that the Rasmussons are engaged in tax evasion.'(see Appendix G, Exhibits 3A and 3B, Page 10, Para. 44).

63. IRS Agent Fonda Hivick, a tax expert CPA, testified in her deposition that the records in the box were normal business records and there was no proof of any tax evasion. Her testimony directly contradicts the testimony of Agent Frost. Although Agent Frost claims that the records were 'analyzed", his testimony under oath revealed that there was only a cursory examination made of the records and he was unable to identify the person who allegedly "analyzed' the records. Another conclusion made by Agent Frost based upon false , unfounded information, (see Appendix B, Exhibit 1, Page 72, L14-20 and Exhibit 4, Page 11, L13-24 and Page 69, L3-21).

64. My personal and business tax returns,(Rasmark Jet Charter, Inc.) have been subject to close scrutiny by IRS since the late 1980s. IRS did a detailed audit of Rasmark for 1989-1990. The audit

was completed in April 1992 and was a 'no change" audit, indicating that there were no irregularities of any sort with me or my company. (See Appendix D, Exhibit 34, IRS audit results). This IRS audit thoroughly refutes the several allegations made by Agent Frost that I or Rasmark ever engaged in any illegal financial activity. It is noted that the IRS agents conducting the audit had access to all the grand jury material obtained by investigators from the various agencies who investigated me and Rasmark since the mid 1980s.

65. Agent Frost further alleges in the 11-19-93 affidavit that an FBI informant stated that I was involved in money laundering with Jesus Flores through buying aircraft parts. The many months of intense investigation by the USCS Financial Task Force and the IRS tax audit revealed absolutely no evidence to verify any of the allegations made by the FBI informant.

66. The FBI informant also alleged that I received $500,000.00 Page 17 of 28 in drug proceeds from Mr. Flores in 1989-1990. Likewise, this was never verified by any factual evidence.
Such a large amount of cash would be extremely difficult to 'hide" in a business such as Rasmark. The IRS "no change" audit of Rasmark was conducted for the years 1989-1990 when I allegedly received the $500,000.00 From Mr. Flores.

67. Another FBI informant alleged that he/she saw U.S. currency and a white powder substance in a suitcase in my ex-wife, Deborah's, bedroom in December 1991. No action was taken by the FBI, DEA, USCS, EPPD, or any other law enforcement agency, to verify the information or to seize the suspected drugs. Using uncorroborated information in an affidavit seems unprofessional and in this case it was malicious and vindictive.

68. USCS Agent Eric Mills testified during his deposition that he was in charge of a surveillance of my business on 9-16-92. Surveillance agents allegedly saw a vehicle bearing
Arizona license plates HSR-995 arrive at the parking lot in front of the building where my business was located. Two males were in the vehicle. The vehicle was registered to Hector Barrera, a suspect in a

drug smuggling case. Agent Frost makes the assumption in his 11-19-93 affidavit that one of the occupants of the vehicle was Mr. Barrera and that Mr. Barrera entered my business. Agent Mills was unable to name the agent who allegedly observed the activity and stated that there was no written surveillance records available which would identify that officer.

69. It is noted that the entrance to the building where my business was located at that time was also the entrance for Julie's Flight Service and an aircraft parts business. All three companies shared a single entry door. The same door was also used to access an aircraft repair and maintenance area and was frequently used by the public to enter the hangar area. Tests conducted by two private investigators , Mr. Hank Webb, a retired FBI Agent, and Mr. Edward Wagner, a retired IRS Agent- Supervisor, revealed that unless the observer is standing very close to the door, it is not possible to determine whether a person entering the building enters any particular office. To make such a determination would require that the observer also enter the building. Another distortion by Agent Frost, (see Appendix D, Vol. 11, Exhibits 32-32H).

70. On 11-10-92 my ex-wife , Deborah, and a former Rasmark employee, Blanca Avelar were returning to El Paso from Juarez. They were stopped at the Port of Entry, Ysleta and searched. A switchblade knife and 1/10 gram of marijuana were found in the vehicle. The vehicle was seized and both my wife and Ms. Avelar were arrested by El Paso Police Department officers at the request of USCS agents. The vehicle was later released about 4 months later and the charges against Deborah were dismissed, (see Appendix E), Vol. 11, Exhibits 24-24J). At the time when Customs gave the vehicle back, they tried to get Debra to sign a "Hold Harmless and Indemnification Agreement for Release of Seized Property" which she refused, (see Appendix Dl, Exhibit 36.

71. During the several hour detention of Deborah and Ms. Avelar, Agent Frost was summoned to the POE. He attempted to interview Deborah and Ms. Avelar and was generally abusive to both of them. Although both ladies were already under arrest, Agent Frost never

advised them of their "Miranda rights". They were both subjected to strip searches which were embarrassing and degrading. A former USCS Supervisor Mark Ryden has stated in an affidavit that during his many years with USCS he never saw anyone arrested for possession of 1/10 gram of marijuana or a switchblade knife, (See Appendix C, Exhibit 5, affidavit of Mark Riden, dated 3-3-97). He stated that the normal USCS policy for switchblade knives seized at the POEs is to break the blade of the knife, throw it in the trash, and allow the bearer to enter the U.S. It is obvious to me that Agent Frost used the occasion at the POE to orchestrate the arrest of Deborah in another attempt to convince her to become a witness against me. It is to be noted that the issue of the .1 gram of marijuana only came up in Frost's affidavits; Deborah was never told they found marijuana in her car.

72. Agent Frost also uses other misleading information in the 11-19-93 affidavit, (see Appendix G, Exhibits 3A, Page 12, Para. 57 and 3B, Page 13, Para. 58) . He uses a 7-13-92 EPPD report in which EPPD officer Clifford Gongaware states that he observed a truck bearing Chihuahua license plates waiting to enter the industrial area of the El Paso Airport at about 1:25AM. The truck eventually entered and drove to the Rasmark area. The officer "surveilled" the truck and determined that boxes were being transferred from the truck to a Rasmark plane.

73. There is some implication that this activity was somehow related to criminal activity. Beverly Enriquez, and Andy Gantkessy, both employed by Ford at that time, have stated that it was not unusual to load Rasmark planes between midnight and 6:00 AM. The trucks bearing the cargo were usually from Juarez plants and were delivering auto parts for expedite delivery to Ford assembly plants. There was nothing illegal or unusual about the activity observed by Officer Gongaware. I believe that Agent Frost used the information from Officer Gongaware to indicate that the loading was being done in a surreptitious manner. This was absolutely not true. Another distortion by Agent Frost.

74. A second EPPD report by Officer Andrew DeAngelo, dated 7-24- 92 states that Officer DeAngelo observed a Rasmark plane

being loaded with cargo at about 3:00 AM while two men armed with rifles stood guard. The area in question is within the confines of the El Paso Airport security area. If the officer made such an observation, he should have taken immediate action to confront the armed individuals and resolve the situation. Officer DeAngelo did not notify his supervisor, call for 'back-up, or take any other action.

75. Officer DeAngelo was not ever interviewed about the incident until six months after the incident. There have never been any rifles kept at Rasmark and the drivers from Juarez could not cross the border with any firearms. There is absolutely no reason why any armed guards would have been needed at Rasmark. Another unfounded allegation made by Agent Frost in an attempt to fabricate evidence, (see Appendix G, Exhibit 3A, Para. 63 and 3B, Page 13, Para. 64).

76. On page 14 of Agent Frost's affidavit, he uses some of the information from the Gail Beech interview, which Beech herself described as 'rumor and hearsay". Beech alleged that "The Rasmussons were engaged in a 'kick-back" scheme with Joe Sudomir and are currently engaged in such a scheme with Andy Gantkessy. It is noted that Beech made conflicting statements to Ford about Joe Sudomir. In one interview she described Sudomir as a person who demanded that everything be done properly and was never known to accept gratuities. In another Ford interview she alleged that Sudomir was accepting sexual favors from Rasmark and was receiving cash payments for Ford flights booked through Rasmark, (see Appendix Dl, Exhibit 37, F1000197-198).

77. The conflicting statements made by Beech strongly discredit her credibility. Since I was her major business competitor, especially with Ford, she stood to gain a great deal if I went out of business. Nevertheless, Agent Frost used the statements made by Beech as though they were reliable.

78. In the same affidavit Agent Frost includes information from Chris Hines, a former Rasmark employee who was fired. Hines alleged that Rasmark billed Ford for flights which did not occur. I feel certain that Agent Frost furnished that same , false information to Ford

officials. Ford employees at El Paso, Beverly Enriquez and Manuela Barron, were responsible for monitoring the Rasmark invoices. Both have advised that there was never any confirmed incident of over billing or double billing by Rasmark. Ford had an invoice control system which would have made double billing or billing for non existent flights virtually impossible. Ford conducted an extensive audit of the Favesa office and the Rasmark accounts during the Gantkessy investigation and no irregularities were found. None of the allegations made by Mr. Hines were ever corroborated by factual evidence, (see Appendix C, Exhibit 16, affidavit of Beverly Enriquez).

79. On page 18 of Agent Frost's affidavit of 11-19-93, Agent Frost states that El Paso Sheriff's Investigator Jerry Keith observed a white pick-up bearing Texas license depart from the Rasmark business office. The vehicle was registered to Gildardo Rosales, a suspect in a controlled substance trafficking investigation. As previously stated, it is not possible to determine which of the three businesses located within the building a person might have visited without the viewer actually entering the building. No factual proof was offered to establish that Mr. Rosales visited the Rasmark office.

80. Agent Frost states on page 25 of the same affidavit as follows: "I believe that based on the statements of Debra Rasmusson and the association of the Rasmussons with known controlled substance traffickers such as Jesus Flores and Hector Barrera, there is probable cause to believe that the Rasmussons have in the past and are utilizing Rasmark Jet Charter to facilitate the transportation and laundering of the proceeds in the trafficking in controlled substances."Again Agent Frost makes an unfounded, baseless assumption, not supported by any evidence.

81. There has been no credible evidence produced that I ever met Hector Barrera other than the surveillance on 9-16-92 when a vehicle registered to Mr. Barrera was observed in the parking lot which my business shared with two other businesses. My business relationship with Mr. Jesus Flores was thoroughly scrutinized during my trial in June 1991 and I was exonerated by the presiding federal judge. There was never any proof that I socialized with Mr. Flores or did anything other

than provide air charter services to him in the normal course of my business.

82. During the January 1997 deposition of Agent Frost, he was asked whether any evidence of my involvement in drug trafficking was ever developed during the lengthy investigation of me and Rasmark. He replied that no evidence was developed by the USCS Task Force that I was transporting drugs, (see Appendix B, Exhibit 1, Pg 121, line 5, Frost deposition).

83. Agent Frost was asked whether the USCS Task Force investigation developed sufficient evidence to confirm my involvement in money laundering. His reply was , "No, Ma'am. I don't believe so," (see Appendix 3, Pg 121 , line 16, Frost deposition).

84. Agent Frost was asked whether the financial task force developed sufficient evidence to prosecute me or any of the other plaintiffs. Agent Frost replied "Yes". He stated that the evidence had been presented to AUSA Ken Barnes but no prosecution was ever initiated. Agent Frost alleged that I was guilty of under reporting my income. IRS did not share this opinion. IRS agents monitored and reviewed my tax returns for several years and found absolutely nothing irregular or improper.

85. Agent Frost made statements in USCS documents which were unfounded and not based upon fact. One such statement made by Agent Frost was that the box of records seized from Deborah Rasmusson on 5-23-92 contained evidence that "upon analysis indicated that the Rasmussons are engaged in tax evasion." Agent Frost was unable to identify the person who performed the "analysis" on the business records in the box. As previously stated in this affidavit, IRS Agent Fonda Hivick, an accountant, testified that the box contained nothing which was evidence of any crime, including tax evasion. Agent Frost tried to explain the false statement as "poor sen-tex on my part, poor writing on my part," (see Appendix H, Exhibit 1, Page 125, L19-23, Frost deposition, January 1997). The truth is, Agent Frost simply lied under oath in his affidavit of 11-19-93.

86. Agent Frost was asked during his January 1997 deposition what evidence, independent
corroboration, did he find that indicated that indicated that I was ever participating in money laundering activities.

87. He replied (see Appendix H, Exhibit 1, Page 47, L8-13 of his January 1997 deposition). "So far as the money laundering activities through his association with Guillermo Portillo. We seized one of the aircraft, which we, which belonged to maybe Mr. Portillo, maybe Mr. Rasmusson, depending upon how you read the registration."

88. Mr. Portillo had a business arrangement with Rasmark wherein Rasmark provided hangar space, service, and pilots for his airplane, a Lear Jet with tail number N7GP. Mr. Portillo became delinquent in his payments and I filed a lien against the plane on 11-1-90 for unpaid bills. He satisfied the lien on 3-8-91 an I released the lien, (Appendix D, Volume 1, Exhibits 11-110 and Appendix D, Volume 11, Exhibit IIE). All these transactions were public record which Agent Frost apparently checked and ignored, (see Appendix H, Exhibit 1, Page 78, L12-13).

89. Obviously Agent Frost's definition of evidence does not match that of the US Attorney's office. Hearsay and information from anonymous informants is not evidence. Distorted statements obtained from witnesses who are biased are not evidence. Statements obtained under duress, poorly transcribed, and not subject to review for accuracy by the person being interviewed are not evidence. Much of the information which Agent Frost probably considered evidence would never have survived the rules and scrutiny of any court of law. If there had been any reasonable amount of reliable evidence indicating that I was involved in violation of any federal statute, I feel certain that I would have been indicted.

90. Agent Frost makes one last effort near the end of his deposition to justify the very expensive , lengthy, multi-agency investigation of me and Rasmark, (see Appendix H, Exhibit 1, Page 133, L15-25, Frost deposition, January 1997). "When I say we established no narcotic charges, not to the standards of the federal courts. We took

controlled substances out of the trash at that residence. Ms. Rasmusson has had concealed weapons taken from her. Mrs. Rasmusson was arrested for solicitation of capital murder. There are criminal charges that were substantiated by this investigation. They have not been prosecuted to date.' Agent Frost's standards for evidence not only do not meet the standards for federal court, they do not meet the standards for any court.

91. None of the above alleged violations mentioned above by Agent Frost are federal violations. All the above alleged violations were investigated by the El Paso Police Department and had absolutely nothing to do with the USCS Financial Task Force. It is also noted that all of the alleged violations mentioned by Agent Frost, no prosecutions were obtained and all the cases have been dismissed. Agent Frost implies that the Task Force had some success in their investigation of me and Rasmark. The truth is that the entire investigation in addition to being vindictive towards me, my ex-wife Deborah, and Andy Gantkessy, the total effort was a waste of taxpayers' money.

92. To elaborate on the hundreds of incidents which occurred between the mid 1980s and the present would be far too voluminous for anyone to read. The simple truth is that I personally suffered, and my business virtually ruined by the actions of Agent Frost and the other members of the USCS Financial task Force.

93. I married Deborah in September of 1987 and moved my air charter service to El Paso in 1987. By that time we owned two Lear Jets, free and clear, had another Lear financed and leased a fourth. My business was booming. I was on the verge of landing a multi-million dollar, National contract with Ford Motor Co in 1992.

94. When I was indicted on federal charges in September 1990, I had to devote all my efforts and finances to supporting my defense. I was acquitted of all the charges in June 1991 but my defense cost me over $50,000.00 in legal fees and several hundred thousand dollars in lost revenue from my business. During the months of preparation for my trial, Deborah and I were subjected to extreme pressures, both personally and financially. During this same period

Deborah started drinking more alcohol. We were both embarrassed and humiliated by the false accusations made against us.

95. After my acquittal, I thought that we could get our lives back together and try to rebuild our business. We soon learned that a new group of federal and local officers, we now know to be the USCS Financial Task Force, had focused on us and our business. We now know that USCS had a parallel investigation going as early as 1989, or before according to the events happening to us in 1987-1988, conducted by USCS SA John Peterson until the USCS Financial Task Force took over in March of 1992, (see Appendix E, Exhibit 1, Page 18, L19-25 and Page 19, LI-10).

96. In late 1991 or early 1992, we received a death threat on our business phone. We reported the call to the El Paso Police Department and Officer George Salas appeared at our Rasmark offices to investigate the call. Officer Salas told Deborah that he felt that she was in danger and that we, mostly Deborah, should have some protection since I was flying regularly and was not home many nights.

97. We hired Officer Salas to provide personal protection for Deborah when I was out of town flying. Officer Salas, himself a married man, soon initiated an affair with my wife. They had sex at our home and also at the home of Officer Salas, on the carpet in his own bedroom. Deborah was extremely vulnerable at the time and did not offer much resistance to officer Salas. He even took her to a party attended by many of his police officer friends.

98. In May 1992, officer Salas helped orchestrate a series of events through which Deborah was convinced that someone, allegedly me, was trying to kill her. Deborah was concerned about a box of Rasmark business records which were found on the floor in the Rasmark office. She called Officer Salas and he came to the office. Officer Salas convinced Deborah that she was in grave danger and convinced her to meet with Agent Frost. Officer Salas phoned Agent Frost and arranged to transport Deborah, and her son Ian Maye, and the box of records to a designated location to meet Agent Frost and several other USCS agents who then escorted them to the USCS office.

99. Once Deborah arrived at the USCS office, she was interviewed for several hours during which time one of the USCS furnished her a six-pack of beer which she drank. She was repeatedly asked to sign a waiver for consent search of the Rasmark office and a form to forfeit Rasmark assets to USCS. When she refused to sign these documents, the 'interview" was finally terminated and she was allowed to leave with the box of records. She and Ian had to walk as the agents refused to give her a ride when she wouldn't sign the USCS' consent to search and confiscate assets form.

100. When Deborah left the building, she was followed by Agent Frost and several other USCS agents. Agent Frost confronted Deborah at a nearby convenience store and forcibly took the box of Rasmark business records from her against her will. Although Agent Frost stated under oath that the box contained evidence of tax evasion on my part, this statement was denied by Agent Fonda Hivick, an IRS Agent, Accountant. Agent Hivick testified that the box contained no more than normal business records and some personal papers.

101. During this episode, Deborah realized that Officer Salas was an informant for the USCS Task Force and that he had been furnishing information to Agent Frost on a regular basis while being paid by us to protect her. Deborah felt betrayed and her drinking and drug use began to escalate.

102. Although I had great hopes about the Ford contract, Agent Frost and Gail Beach, my main El Paso competitor, initiated a N'. smear campaign' directed at me and Andy Gantkessy, a Ford employee. Beach made slanderous, false statements about both of us to Ford officials and to Agent Frost. Agent Frost used some of these statements and some false statements obtained from Mr. Gantkessy under extreme duress to undermine my credibility with Ford. Agent Frost held personal meetings with Ford Security officer Phil Asiala and Ford's personnel official, Jim Pomaville. In an El Paso meeting, Agent Frost revealed detailed information about the USCS ongoing investigation. Most of the information furnished to Ford by Agent Frost has since been proven to be completely unfounded, even by Agent Frost's own admission. Agent Frost was told by Beach that her information was based on rumor and

hearsay but he used the information anyway, (see Appendix E, Exhibit 12, Page 41, L7-9). Agent Frost consistently embellished and exaggerated the scope and seriousness of the investigation to impress the Ford officials.

103. The 'smear campaign' orchestrated by Agent Frost culminated in a letter to Ford from USCS El Paso SAC Michael Lappe , dated 7-26-93. 1 have been advised by Mr. Hank Webb, a retired FBI Agent and Mr. Edward Wagner, a retired IRS Agent-Supervisor, that in all their entire law enforcement careers,
they never witnessed such a brazen violation of federal laws and regulations relating to unlawful disclosure of investigative case information to civilian, non-law enforcement personnel. Mr. Mark Ryden, a retired USCS Agent-Supervisor, has also stated that USCS policy prohibits any disclosure of information such as SAC Lappe released to Ford. It is noted that Agent Frost admitted that he drafted the letter to Ford, (see Appendix G, Exhibit 3C, Para. 11).

104. As a result of the campaign by Agent Frost, Mr. Gantkessy was fired and denied his pension. My business relationship with Ford was terminated. The loss of the business with Ford has cost me many millions of dollars in lost revenue.

105. Agent Frost also crippled my business for several months by seizing all my business records in November 1993. Sixty boxes of business records were taken from the Rasmark offices and the residence on Leo Collins Drive, El Paso, Texas, by members of the USCS Task Force under a federal search warrant. These records included all the FAA mandated maintenance records, engine logs, pilot flight logs, and other records required by federal law to fly charter flights. My business was totally shut down without these records.

106. Although there is no indication that any of these records were ever analyzed or even viewed by any member of the USCS Task Force, they were held without cause from November 1993 to May of 1995, approximately 18 months, and some we still haven't received to this day. Mr. Larry Vaughn, Rasmark Aircraft Maintenance Supervisor, contacted Agent Frost many times and urged him to release the records,

(See Appendix C, Exhibit 27, Larry Vaughn's Affidavit). Rasmark spent hundreds of hours and thousands of dollars attempting to recreate some of the aircraft maintenance records so that the company could resume flying. Even FAA officials urged USCS Agent Frost to return the maintenance records long before they were returned. During the last several weeks Agent Frost held the records, he used them as 'bait" for Larry Vaughn in an attempt to recruit him as an informant for USCS.

107. Because Debra and I could not complete our divorce without these records, we filed a Motion For Return of Property, which Judge Reusch signed, in order for us to get back personal and Rasmark records from the USCS. When some of the records were finally returned, it was determined that backup documentation on many invoices was missing and approximately 50,000.00 thousand dollars were lost in unpaid invoices alone. The records were in a total disarray, some to the point of being useless.

108. In a last ditch effort to clear my name and seek some justice for the years of harassment, intimidation, and retaliation led by USCS agents, especially Larry Frost, I finally filed this civil suit. The expenses in supporting this suit have been a drain on my financial resources and I have been distracted from the day-to-day operation of my business, Rasmark Jet Charter, Inc. However, I believe that any reasonable person who reads the detailed accounts of the many outrageous acts committed against me, Deborah, and Mr. Gantkessy by the USCS agents, especially, Agent Frost, and other members of the USCS Task Force, will be convinced that their actions were not only outrageous but also willful, intentional, malicious, vindictive, unprofessional, unwarranted, and in many cases illegal.

109. I was hoping that filing this lawsuit would deter these USCS employees from harassing, intimidating and retaliating against me; however, a recent experience in November of 1996 has reminded me that USCS believes it is above the law, (see my handwritten statement to my attorney, Appendix DI, Exhibit 40).

110. In operating my aircraft company for 15 years commercially, I have never experienced scrutiny and examination as

much as recently with the FAA. On Monday March 24, 1997, I received a notice from an anonymous source that the FAA was planning a big nonroutine inspection. The anonymous source stated that he didn't think this was 'fair ball' and decided to tip us off. Our source did not want to be revealed for fear of retaliation.

111. Just like we were told, we received a call from the FAA late Friday afternoon, March 28, 1997 announcing that they would be in El Paso for an inspection starting Monday, March 31, 1997. On Monday, March 31, 1997, B-10 FAA inspectors arrived. These inspectors were not the regular inspectors assigned to RASMARK that we were accustomed to dealing with. They have been intensely inspecting and scrutinizing our operation and all records pertaining to the operation. At this time, they are still inspecting and expect to continue through Thursday, April 10, 1997. This amounts to over 600 man-hours of FAA manpower. I believe this is excessive for an operation like RASMARK where we are only operating 3 Lears, I Falcon, 1 Turbo Commander at the present. My employee, Steve Gomez, stated to me this is excessive even for MESA Airlines, who operates 100 aircraft. Steve worked at MESA Airlines before RASMARK.

112. During the inspection some of the inspectors asked if we would voluntarily surrender our operating certificate. We absolutely refused to voluntarily surrender, and are waiting for the investigation to conclude.

113. While finishing my 1995 tax return which was on extension to October 15, 1995, Albert Apodoca, C.P.A., was handling an audit for 720 F.E.T. tax due from RASMARK. The IRS agent asked Albert Apodoca about my 1040 Income Tax Return, which Albert replied was ready to file. The F.E.T. agent demanded Albert Apodoca file it with him. To this day the Return has not been filed with the agency, and this agent will not credit the tax forward as is stated on the Return. Instead, this agent is demanding a complete audit of tax year 1995. I feel that this agent has it out for me, and I was not allowed to mail in my Return like a normal citizen would be allowed to do. This continual auditing by the IRS further confirms my feelings that I am

continually being, harassed by different agencies because of this ongoing conspiracy against RASMARK and myself.

114. I only hope that there is still justice in this country in which we live.

SIGNED this the 8th day, April 1997.

/s/ Mark B. Rasmusson

STATE OF TEXAS
COUNTY OF EL PASO

Personally appeared before me, and being duly sworn, declared that he signed this affidavit, and further stated that he read the affidavit and the statements contained therein are true and correct to the best of my knowledge.

Sworn to and subscribed before me this 8th day of April, 1997.

/s/ Dolores Diaz Olague
Notary Public
My commission expires 5-5-99

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	§	
Plaintiffs	§	
	§	
v.	§	CIVIL ACTION:
	§	EP-95-CA-475-F
	§	
LAWRENCE E. FROST, ET AL.,	§	
Defendants.	§	

AFFIDAVIT OF MARK B. RASMUSSON

STATE OF COLORADO
EAGLE COUNTY

On this day personally appeared MARK B. RASMUSSON who after being duly sworn stated upon his oath and belief as follows:

1. "My name is MARK B. RASMUSSON, I am over the age of 21 years, and I am competent in all ways to make this oath and affidavit. I have personal knowledge of the facts and circumstances set forth below.

2. "1 have read the Application and Affidavit for Search Warrant that was prepared by Agent Lawrence E. Frost on November 19, 1993, for my residence located at 11157 Leo Collins Drive, El Paso, Texas. The Frost Affidavit states that on numerous occasions in 1993 that certain documents were alleged to be found in my trash. On the dates March 18, 1993, March 22, 1993, April 5, 1993, April 8, 1993 and April 19, 1993, 1 lived in the house located at 11157 Leo Collins.

3. "The documents and papers that Detectives Neil Baker and Jerry Keith allege that they retrieved from my trash were for the

most part important documents that I would never put in the trash.

4. Neil Baker and/or Jerry Keith allege they obtained the following documents and papers from my trash on the dates listed below:

(a) March 18, 1993: airport landing receipt in the name of Rasmark Jet Charter;

(b) March 22, 1993: computer generated balance sheet reflecting four invoices from Rasmark Jet Charter which invoice four flights on behalf of Ford Motor Company.

(c) April 5, 1993: BANAMEX deposit receipt in the amount of $15,216,055.00 pesos. The receipt lists an account number of 738165-3 and dated July 23, 1992 in the name of Mark B. Rasmusson.

(d) April 8, 1993:

(i) Two pages from a personal phone book with business numbers. These numbers are all aviation related.

(ii) An internal telephone or intercom listing for all phones inside the house at 11157 Leo Collins.

(iii) A yellow sheet of with notation King Air Albq. friday, names Juan & Tim", Westin Paso Del Norte Motel and other information.

(iv) American Express receipts

e) April 19, 1993:

(i) Blank pad from Rasmark Jet Charter;

(ii) Delivery service note with name Don Johnson & Cindy;

(iii) Letter and price list from Phillips 66 for aviation

fuel and locations through out the United States;

(iv) Letter from Sonitrol alarm company;

(v) permit f or Anna Rasmusson to travel by air into Mexico.

5. All of the above listed documents were never put into the trash by me or anyone I know. For the most part these documents are essential to accounting and running my business.

6. During the period from "April 8, 1993 through June 3, 1993, 1 was in the Cayman islands. I know that I was not at my residence and I did not place anything in the my residence trash during this period.

Signed on this 8th day of July, 1996.

/s/ Mark Rasmusson
Affiant

Subscribed and sworn to before me, the undersigned authority, On this 8th day of July, 1996.

/s/ Judy K. Janicek
Notary Public in and for
State of Colorado
My Commission Expires: 10/2/97

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON RASMARK JET CHARTER, INC.,	§ §	
PLAINTIFFS	§	CIVIL ACTION:
	§	EP-95-CA-475-F
v.	§	
LAWRENCE E. FROST, ET AL.,	§	
DEFENDANTS.	§	

AFFIDAVIT OF MARK B. RASMUSSON

STATE OF TEXAS
EL PASO COUNTY

On this day personally appeared MARK B. RASMUSSON who after being duly sworn stated upon his oath and belief as follows:

1. "My name is MARK B. RASMUSSON, I am over the age of 21 years, and I am competent in all ways to make this oath and affidavit. I have personal knowledge of the facts and circumstances set forth below.

2. "1 have read the Application and Affidavit for Search Warrant that was prepared by Agent Lawrence E. Frost on November 19, 2993, for my residence located at 11157 Lea Collins Drive, El Paso, Texas and the search warrant Application and Affidavit for my office located at 6805 Boeing. The Frost Affidavit states that on numerous occasions in 1993 that certain documents were alleged to be found in my trash.

3. "The documents and papers that James Holland, Neil Baker,

Jerry Keith, Fred Schroeder, and Larry Brown allege they retrieved from my trash were for the most part important documents that I would never put in the trash.

4. "At all timer during 1993, an enclosure next to my garage- - a trash cabana- - was used to house the trash containers for my house located at 11157 Leo Collins. The trash collection personnel were required to walk up my driveway from the road to retrieve the trash from my trash cabana, then move the trash containers to the street and dump the trash into the El Paso Sanitation truck and walk back up the drive way to the trash cabana and place the trash containers in the cabana. From time to time to the trash collectors left the containers at the curb and I had to move then back to the cabana.

5. "All documents identified by Agent Frost in his affidavit for the search of my house were never put into the trash by me. For the most part these documents are essential to accounting and running my business. In addition, I kept these documents in my office files until Customs took all my office files on November 22, 1993.

6. "1 did not give James Holland, Fred Schroeder, Larry Brown, Neil Baker Jerry Keith or anyone else permission to enter upon my property and seize my trash or enter my home or office and remove records

7. "On pages 12-13 of the Leo Collins affidavit, Agent Frost alleges that officer Gongaware observed a large yellow truck with Chihuahua plates blocking the airport entrance and he investigated. Large yellow trucks with Chihuahua plates entering the airport and proceeding to the Rasmark ramp area was a common occurrence where the auto parts on the trucks [were] made in Mexico and had to transported f rom Mexico to the Airport for shipment to the auto manufacturing plant.

8. "On page 13-14 of the Leo Collins affidavit, Agent Frost states that on March 1, 1993, Officer DeAngelo stated that he observed the loading of a jet at Rasmark with guards armed with a rifle, posted towards the main airport area and another guard with a rifle posted to

watch the south towards Boeing St. Agent Frost states that this event took place on July 24, 1992.

9. "The Month of July in 1992 was one of our busy times where we were flying multiple flights per day for Ford Motor Company. There was never any guards or security personnel or anyone posted with a rifle on the Rasmark loading area or any where near the Rasmark offices. Had any of my employees seen a person with a rifle any where close to our hanger, aircraft, or on our loading area, the police would have been immediately called to investigate.

SIGNED ON THIS 16th DAY OF JULY, 1996

/s/ MARK RASMUSSON, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS 16th DAY OF JULY, 1996.

/s/ DOLORES DIAZ OLAGUE
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRE: 05/05/99

AFFIDAVIT OF DEBORAH L. RASMUSSON

1. I Deborah Rasmusson, state that I reside at 11157 Leo Collins, El Paso, TX. I was formerly married to Mark Rasmusson. We were married in 1987 and our divorced finalized in June of 1996. The purpose of this affidavit is to document the conduct of Officer George Salas of the El Paso Police Department, Agent Larry Frost, USCS, and other members of the USCS Financial Task Force,(FTF). My ex-husband, Mark Rasmusson, and I were the victims of a campaign of harassment and intimidation conducted from the late 1980s to the present. The unwarranted and illegal actions of Agent Frost and his associates wreaked havoc in our personal lives, and seriously crippled our business, Rasmark Jet Charter, Inc.(RASMARK), which at one time was a growing, multi-million dollar per year business.

2. After our marriage, Mark and I moved to El Paso. In 1986 Mark was doing air charter subcontract flying for Aero freight, an El Paso based charter company owned by Gail Beach. The air charter business was "booming" in El Paso and our business expanded rapidly. Mark did most of the flying and I managed the office, handled sales, accounts receivable, and personnel matters.

3. When RASMARK stop subcontracting with Aero Freight, Gail Beach became very vindictive towards both Mark and me. She was very upset over the business which our company, Rasmark, gained from Ford. One of her major accounts had been Ford-Favesa. I remember Ford asked for bids from Aero Freight, Air Transport and RASMARK; RASMARK was the only one that responded with a bid, providing all of the information that Ford requested. After that, RASMARK's business with Ford increased. The Ford assembly plants used air charter flights on a regular basis to supply last minute parts needed for assembly line production. Between 1987 and 1993, RASMARK's main competitors who actually had full-time offices in El Paso were Aero Freight and Air Transport.

4. Although our company was growing rapidly, Mark and I became concerned during 1987 that Rasmark flights were being

frequently subjected to rough and unwarranted searches and inspections by USCS and other federal officers. Our pilots, crew members, and sometimes passengers were sometimes handcuffed and searched at gunpoint, even when the flights were domestic in nature and had never left the U.S. No trace of any contraband was ever found on any of our planes. I remember John Farrah came to me in approximately 1987 with a business card from Thomas Klien of USCS pilot or agent; he told John that Mark and I were involved in ilelgal activities and that he wanted him (John) to provide information to USCS; he told John that he had better cooperate.

5. In 1989 Mark wrote a letter to Senator Ted Kennedy to complain about the harassment being conducted against Rasmark. We hoped that the letter would result in our flights being handled in a more professional manner and that the unwarranted harassment would cease. On the contrary, the letter seemed only to incense the USCS personnel. The unwarranted searches and the unreasonable conduct continued.

6. In addition to flying air freight, Rasmark also provided passenger charters and ambulance flights, although our major business was air freight. We started doing some charter flights for Jesus Flores, an El Paso building contractor, in February of 1990. We hardly knew Mr. Flores; he preferred talking to our Spanish-speaking dispatcher, so I assumed he didn't speak English. We never had any social events with Mr. Flores nor did we ever run into him at any social events. Mr. Flores was not a regular customer and he usually paid in cash. Because of the uncertain banking conditions in Mexico, it is not uncommon for wealthy Mexican businessmen to use cash rather that checks. Although both Mark and I met Mr. Flores, neither of us socialized with him and we did not see him often. Mr. Flores never became one of our "major" accounts and we had no reason to believe that he was anything other than a wealthy businessman.

7. Because of our business relationship with Vista Remodeling Company, being owned by Mr. Flores, Mark became involved in an investigation being conducted by DEA regarding Mr. Flores and some associates. As a result of that investigation, Mark was indicted on federal drug related charges along with Mr. Flores and

others in September 1990. During that investigation, both Mark and I were interviewed by DEA agents. Our office records were subpoenaed and our employees and our accountants were interviewed at length.

8. Mark's indictment on the federal charges put a serious strain on Mark and me, both financially and personally. We had to commit a major portion of our financial resources to Mark's defense. This left us with less money to support our business, Rasmark. There was also a drain of our own personal time and energy in preparing Mark's defense.

9. Mark was acquitted during the trial in June 1991 when the presiding Federal Judge ordered the acquittal for lack of evidence. Both Mark and I hoped that we could put the trauma of the trial behind us and return to building our air charter business.

10. Shortly after Mark's acquittal, we thought the DEA had discontinued their investigation, however, we have learned since the taking of LENNOX's deposition in January of 1997, that during 1990, while USCS was a member of the DEA task force, USCS also had a continuing investigation against Mark and me, which was taken over by a USCS Financial Task Force with Agent Larry Frost as the lead case agent. USCS SA John Peterson was the former case agent. Our former employees, current employees, business associates, business competitors, family and friends were interviewed by agents from the USCS FTF. I have suspected something was going on; I felt lots of time I was being followed and people staring at me; and, I had quite a few problems with my telephone that led me to believe my conversations were being listened to.

11. During the period from summer 1991 until this civil suit was filed in federal court in El Paso in Novmeber of 1995 a series of outrageous and I believe illegal acts were committed against me, my ex-husband, Mark Rasmusson, and Mr. Andy Gantkessy, a former employee of Ford Motor Company. Although there were many such acts committed, in the interest of brevity, I will address only a few of the most flagrant ones in this affidavit.

12. As a result of the actions of George Salas, Agent Frost and other members of the USCS FTF, the Rasmark business was seriously crippled and almost forced into bankruptcy, and Mr. Gantkessy was fired by Ford after 24 years of honorable employment. He also lost his pension earned through those 24 years. And I experienced extreme mental anguish, which continues to the present day.

13. George Salas entered the picture in January or February of 1992, when an unknown caller left a message stating on the RASMARK telephone answering system something to the effect "the next time I see you mother f----r I'm going to kill you -- I'm going to rip your f-----g heart out. Mark and I were very concerned and scared. Mark contacted the El Paso Police Department who dispatched two officers to our business, RASMARK Jet Charter Service, Inc., which was then located at Cutter Air on Convair. One of the officers dispatched was George Salas, I do not recall the other officer's name. Salas asked a lot of questions including whether Mark was involved in any illegal activity where people would be after him to kill him. We both responded no. Salas took the tape of the threat with him. We told Salas we both suspected Joe Sudomir, an employee of Ford. I had written a letter outlining sexual harassment complaints to Ford regarding Sudomir's behavior and comments. We also had a bitter dispute with him over approximately 2.2 million dollars in unpaid RASMARK invoices, which resulted in Sudomir being relocated to a Ford plant in Michigan.

14. Shortly after that I began to see people peeking in the window when I was alone and Mark was out of town. After several of these incidents I contacted Salas to tell him what was happening. He had previously given us his work number. Salas told me his supervisor had reviewed the tape and thought that I needed protection. Salas then offered to make his services as a bodyguard available to me. Salas told me his fee was $20.00 per hour. Salas then gave me his pager number, work number, and his home telephone number in the event I needed to contact him. Salas made me feel he was very concerned about my safety. Salas contacted me several times to check on me. During that time, Mark was gone a lot on contract flights.

15. Several days after our first meeting at RASMARK, Salas came to our residence on Leo Collins unannounced. I was in the hot tub and my son Ian let him into our house, and then told me about it. I got out of the hot tub and had a towel wrapped around me and went into my bedroom. Salas, who was in uniform, was there in my bedroom and asked if he could dry me off. Salas proceeded to seduce me at a vulnerable time in my life. I had an affair with Salas that lasted until sometime in May of 1992. During that period, we had sex approximately six times, including at Salas's residence. Salas told me it would be a very big mistake if I ever told anyone about our affair; however, when we were around his friends and fellow police officers, they all seemed to know all about it. Salas told me that if I ever got stopped by the police just tell them I'm George Salas special friend and that they would not cite me for any violations. My husband Mark was never aware of the affair until about eight months after our divorce when I finally revealed this information to our attorney. Salas told me he was married and had children when we first met.

16. Shortly after he came to my house, Salas appeared at the office of RASMARK and told me he had been transferred to the airport and would be able to see a lot more of me. After that he came by the RASMARK offices almost daily, he also started coming over to my residence 3-4 times a week. It was during these contacts that Salas started questioning me about the RASMARK business and my personal relationship with Mark. I did discuss my marital problems with Salas. Salas also implied that Mark was plotting to kill me and was involved in illegal acts.

17. On one occasion Salas was dropped off at my residence in uniform. While there he received a call on his pager. Salas told me his supervisor did not know he was at my residence, and he would get in trouble if his supervisor found out. Salas asked if he could borrow my car (Mercedes) and go to a convenience store and call his supervisor from there. I agreed and loaned him my car keys to the Mercedes, which included my house keys, master bedroom keys, office keys, filing cabinet keys, safe key, and keys for our Grand Marquis. It was after this occasion that I started to notice unusual happenings in both my home and office. I noticed both my residence and office were rifled and left

in a mess. In addition, articles of clothing that did not belong to any of our family members were found in our house. I prided myself on my organization and neatness. I soon became very suspicious of everyone including Mark. In his deposition, Salas implied I gave him a house key. I never gave Salas any keys except when I loan him my Mercedes.

18. Blanca Avelar, my secretary and friend, went out with George Salas and his partner several times. I do not recall his partner's name, but believe it may be "Manny." On one occasion Salas telephoned and invited me to El Presidente on Viscount to have Marguerites. When I asked if Blanca could go he replied yes and that his partner would also be there. When we arrived there were eight to twelve other police officers present. We stayed there approximately one and one-half hours drinking and then left in my Mercedes. We drove out to the desert where Salas and I got out of the vehicle and went for a walk. Salas's partner went with Blanca and I recall she became very upset because he kept grabbing at her. We then drove back to O'Henrys on Hawkins where we split up and I went with Salas. I believe Blanca went home.

19. Salas also telephoned me on a weekday morning between 9:00 a.m. and 10:00 a.m. He told me his wife was at work and invited me to his residence. When I arrived we had sex on the floor of his upstairs master bedroom. Salas and his family had just returned from a trip to Disney Land when that incident occurred. Salas's residence is a two story home on the east side. The master bedroom is upstairs. I also recall the house had very light colored carpeting, an off white, and there were a lot of pictures on the walls of his family, his wedding, and some of him in uniform both military and police. Salas also took me out to his back yard where he had a swimming pool. As you enter the front door of his residence I recall his living room was on the left side and his kitchen area to the right.

20. During our affair, Salas attempted to convince me that Mark was associated with some really bad people who were involved in drugs and money laundering. I told Salas that Mark was straight, but he insisted I should be afraid of Mark. I began to wonder if what Salas know what was going on. I was very upset and disappointed that Mark

might have been behind the peeking in the windows, the messed up files at RASMARK, and the disarray in my closets and drawers at home. I was very confused and vulnerable at that time. I kept confronting Mark about these things and although he protested that he knew nothing about them, I didn't believe him at the time, even though I never saw Mark do anything that could be connected to any criminal activity. Needless to say, my complaining put a great strain on our marriage, in fact, Mark went to his attorney and file for a divorce before I did in March of 1993, which he later dropped.

21. However during our affair Salas continued to tell me that Mark or some of his criminal associates were out to get me. I believed that George Salas really cared for me and was concerned for my safety. For a while, I actually felt safer with George Salas then I did with Mark. Every time I would see Salas, he would throw in little remarks about Mark like; "where is he, how you know what he is doing, who is he with, are you sure, how you know for sure that's where he is..." I would tell Salas that I know because I have an invoice for the trip that I'm going to bill the customer; yet Salas persisted in his comments against Mark.

22. In May of 1992, on a Saturday morning, my son and I went to the offices of RASMARK and arrived sometime between 10:00 a.m. and 12:00 p.m. When we arrived I noticed a file cabinet open, and some RASMARK records in a box. Mark and his son had previously left for Mexico. I was concerned that someone had broken into our business and could still be in one of our offices. I then telephoned George Salas. He arrived in approximately twenty minutes after I called. When he first arrived, Salas told me to get my gun, (in fact, at the first meeting with Salas at our Rasmark office, it was Salas who told Mark and me that we should buy a gun and for me to keep it in the office. I was concerned about keeping a gun in my place of business. Salas told me to do it anyway whether it was legal or not; he said that he has his wife and mother to carry a gun). He also drew his gun and proceeded to check the RASMARK offices.

23. After Salas completed his search of the offices, I told him I wanted to file a police report. I also showed him the box of records.

Salas then told me he knew who I needed to talk to. He also told me to take the records with me and we got in his car. He had me to hunch down in the front seat and my son Ian to hunch down in the back seat. Salas took my son and I to the Sunwest Bank where he parked and told me to take my pistol out of my purse. He led me to believe my son and I were in great danger. Salas left us in the car and went to a Circle K to make a telephone call. Within minutes four or five cars pulled up, and positioned themselves on each side, and on the front and back of Salas's vehicle. We were then taken to the United States Customs Office at 9400 Viscount, and when we got there Salas asked me for my gun. When I got out of the car at the USCS office parking lot there were approximately ten to twelve agents with their guns drawn.

24. The agents escorted Ian and I upstairs to the second floor and Salas carried the box of records. Upstairs, Salas placed the box of records on a table and introduced me to Larry Frost. I was in a state of shock by this time. Frost said "I bet you're really wondering what's going on about now." Frost told me that Mark was plotting to kill me. Frost then told Ian to meet his "new best friend," pointing to an agent Mills, who took Ian out of the office. Frost then offered me a beer and gave me a six pack which I accepted and subsequently finished drinking the entire six pack. After finishing the six pack I remember I felt pretty intoxicated. Frost told me that he was aware that I had complained to the police about people peeking in my windows. Frost was constantly smoking cigarettes until finally I asked for one; he told me he was surprised that I asked for a cigarette since he knew that I didn't smoke. I asked Frost how did he know that, and he said, "we know everything about you." Frost also told me Salas was working for him in an undercover capacity and was a plant to protect me from Mark. I became very upset at Salas and Frost had him to leave the room. I then asked Frost if the mirrors were one way and if so who was observing. Frost told me the agents behind the mirror were there to protect me from Mark. Frost told me he knew what Mark was involved in, but needed me to fill in the details. Frost also told me I was going to lose everything, my house and the company -- RASMARK. Frost stated they weren't after Mark and me, but after the bigger fish like Sib Abraham, Richard Esper, and Judge Pena. I told him Mark was not involved in any illegal activity.

25. After hours of telling me that I can have a new life, get a new name in their witness protection program, that they would buy me a house, put me and my son through college and Frost said, "we'll give you a good chunk of change, nothing like you're used to but it will be good." Frost kept telling me a lot of stuff was going on, that they knew it all and just needed for me to fill in the details. I told Frost that I would answer any questions he had about me, Mark and our company because we had nothing to hide. Frost said "no, I need to put you in a room for 3 weeks and pick your brains". I remember specifically telling him that he was on the wrong track and that I know the things he's talking about were not going on. I kept telling Frost the whole reason why I called Salas was because somebody had tampered with the files in our office and put certain documents in the box; our business operate under strict FAA regulations, therefore, I wanted to report this to EPPD just in case important records turn up missing; however, Frost wasn't interested in looking at the records in the box even though I offered it to him several times.

26. However, as soon as I said I would answer their questions, Frost brought in a form for me to sign. The form said, "I, Deborah Rasmusson (written in) sign everything that I own to the U.S. Government in exchange for protection through the Witness Protection Program. I assign all of my personal assets as well as the assets of Rasmark Jet Charter, Inc." As soon as he came in with that form, he asked me who was dispatching, he said "David" and I said yes; Frost told me to call David and tell him that the people in the office were federal agents. Right about that time I became extremely frightened and said I wanted to see my son. Someone brought Ian in and I showed him the paper and he said "Mom don't sign it". Frost or one of the other agents said "Who in the fuck are you, her 14 year old attorney?" Some agents then twisted my son's arm behind his back and took him out of the room. Frost told me he was giving me one last chance and they would place me in the witness protection program. I told him I would not sign the papers, and demanded to see my son. I also told him I wanted to leave. After I refused to sign over the RASMARK assets and sign the consent to search the offices of RASMARK their attitude toward me changed instantly. The agents started talking among themselves, ignoring me. Frost left the room and came back with

Wilczewski (who earlier they had introduced to me as the District Director; I recognized him at his deposition in January of 1997). When Wilczewski came in the room I still had my feet on an old coffee table; he said to Frost in front of me "tell that fucking bitch to get her fucking feet off the table or he'll get them off for me." I didn't move or acknowledge what I heard; I was in shock and frightened. Frost then said to me "he's not joking, he'll really do it." The agents became both physically and verbally abusive, pushing my feet off a coffee table. I asked agent Frost if I had been recorded and Frost said "no." I realized that I had been used and set-up by Salas and the government to get to Mark and our company. I felt devastated and humiliated by Salas, someone I thought could be trusted and really cared for me.

27. I demanded to leave with my son and the box of records. Frost and the other agents, including Salas, all started looking at each other, saying "this never happened here, we never talked to her, alright, agree..." And they were all looking at each other nodding approval as each agent walked passed us near the exit to either an elevator or stairs; and ,that's when I pulled the fire alarm. I was really scared and thought they were going to do something to me or my son, and I wanted proof that we had been there. By that time there were still about 8 agents still there. Frost grabbed me by the arm and would not let me leave, after I told him I wanted to leave. It took another hour and 40 minutes before Frost escorted me outside the building. It took about 40 minutes for them to turn off the fire alarm--they were all trying to figure out how to turn it off without the Fire Department coming to the building. While Frost was holding me, he said that they weren't going to let me go because they were going to file charges against me for turning on the fire alarm. Everyone was walking around turning off lights; Frost had me by the arm and I kept telling him I wanted to leave but he would not release me and Frost was telling each agent he passed to remember that this never happened. They had already taken Ian out earlier when I showed Ian the paper; I didn't know where he was or what was happening to him.

28. Frost did not let me leave until the fire alarm had been resolved. When Frost escorted me out the building, Frost carried the box and when we got outside Frost gave the box to me. Salas asked

Frost if he (Salas) should give me gun back, and Frost said "why not". I took the gun and put it in the box with the records. Ian and I started walking toward the Diamond Shamrock station. Before I went inside the station, I decided to hide the box behind the brick wall because I didn't want to take the gun into the store. I looked behind me and didn't see anybody, so I put the box behind the brick wall. As soon as I got inside the store I asked to use the telephone and I called David, and as I was talking to David, Frost grabbed me by the arm pretty rough and jerked me around and said "come on Debra". At this time Ian grabbed Frost's arm and asked him "why are you grabbing my Mom's arm". Frost told Ian that he just assaulted a federal officer and said "you are under arrest". Frost let go of me and grabbed Ian by the back of the neck, Ian was screaming and I was screaming "call the police" to the store clerk. Frost took Ian outside, handcuffed him faced down on the payment where the gas pumps were. I begged the store clerk to lock the door; he locked both doors. Frost put Ian in a car. I ran and hid behind the counter and begged the store clerk not to open the door; however, the clerk said that he had to open the door because they were threatening to shoot the door open. The store unlocked the door, Frost walked in and came behind the counter and grabbed me by the arm and said "come on Debra". Frost told me to get the box; with Frost holding me by the arm, I went outside and got the box from behind the wall, at which time Frost took the box from me and said "I'm seizing it and it is now the property of the U.S. Government." He then took me to the car where Ian was (Ian was crying) and Frost said "now if you don't sign the paper you'll never see your son again". At this time David Chavez showed up and told me to get inside the van. David went over and talked to Frost; within a few minutes David came back and said they were letting us go but they were keeping the box.

29. After arriving back at RASMARK I was confused and angry. I didn't know what to believe anymore, whether the things agent Frost and the other agents, including Salas, had said about Mark plotting to kill me was true. I became so angry I smashed Mark's Porsche that was parked in the hanger. Ian and I then got into my car and went home. This incident, from the time I arrived at the Customs Office to when I was picked up by David Chavez, lasted over six hours. Frost told me I would be sorry for not cooperating, and that I would lose

everything.

30. I next saw agent Larry Frost on November 10, 1992. Blanca Avelar and I left the RASMARK office at approximately 1:30 p.m. I cashed my paycheck in the amount of two thousand dollars and drove to Juarez, Mexico in my Mercedes. We went to Juarez to collect on a customers account and to celebrate Blanca's birthday. Blanca Avelar and I then returned from Juarez, Mexico. When we arrived at the U.S. Customs side of the bridge we were ordered to another inspection area. Approximately eight inspectors, along with their dog went through my vehicle. I had previously been subjected to that type of search when returning from Mexico. The inspectors were immediately abusive to Blanca and I. They used abusive language such as "get out of the car you f-----g bitches, shut up, you dog faced slut. One of the inspectors stated they had found a switch blade knife in my car and shouted "it is our car now" I did not learn until later agent Frost and the inspectors had alleged they found .1 gram of marijuana, and used that as the basis for seizing my vehicle. After the inspectors said they found a switch blade knife I was handcuffed behind my back and placed in a cell. Two female agents came in my cell and strip searched me. One of the agents unlaced the top of my blouse and left one of my breasts partially exposed. She also searched my crotch area. Both Agents Frost and Mills then arrived at the bridge and came into the cell where I was being held. Frost stated "Hey Debbie, you got yourself into a little trouble here." Several other agents and inspectors were standing outside of the cell entrance. Frost attempted to interview me without advising me of my rights, but I refused to talk to him. Agent Frost also asked me to sign a paper turning over my Mercedes to the Customs Service, which I refused to do.

31. An El Paso Police officer, who I heard someone refer to as Salas' partner, came down to the bridge and removed me from my cell and placed me into his patrol car. I was still handcuffed and without my shoes. The officer did not take me to the downtown Sheriff's office to be booked, but transported me to the East Valley Substation where I was searched three or four times by both female and male officers against the wall with a rubber glove. The searches took place in a large room and in front of other male officers who were

leering and making snide remarks, yelling at me "hey George". I felt dehumanized. I was subsequently released from the East Valley Substation and given a summons to appear in court and taken to jail. This was the first time I was ever arrested.

32. The charges against me were later dropped and my Mercedes returned without my ever appearing in court, but not before I spent over $6,000.00 in attorney's fees and a cash bond, that has not been refunded. Agents Frost and Mills had carried out their threat that I would be sorry for not cooperating.

33. I frequently took business records home to work on. However I never threw away any business records relating to RASMARK including those referenced in Larry Frost's affidavits for search warrants for our residence and RASMARK dated November 19, 1993. I have no idea how the agents obtained those records, but it wasn't from my trash on Leo Collins or RASMARK. I never threw out any of the items referenced.

34. Before the May 23, 1992 at USCS offices on Viscount and November 10, 1992 incidents at the Port of Entry, I was raised to believe in law and justice. From the time I can remember I would ask my father why he didn't drive faster on the freeway he would tell me 'ITS THE LAW [emphasis in original]; I would tell him Dad other people are driving faster he would tell me 'that does not change the law'. I have never forgot the meaning of law that my father instilled in my memory with those words not to mention the fact that I never saw him break the law in any way whatsoever. I continued on with my high regard for the law. Even though on occasion I knew I did things that were not right such as shoplifting in my teens; however, it was my deep regard for the law that let me know what I was doing was wrong.

35. It took a while for me to understand the meaning of George Salas taking me to U.S. customs on May 23, 1992. For the longest time I wanted to believe that Larry Frost and his crew were making an honest mistake. I also felt somewhat relieve that they were the ones watching me because I felt at least its not some maniac, even though Larry Frost had made treats to me--in his words he said they will

"FUCK UP MY LIFE"[emphasis in original]-- I could not bring myself to believe them. You see you might expect your next door neighbor that hates you to tell you that they're going to fuck you up, but when a federal agent in whom you've placed total trust and have placed above the average citizen tells you this, it completely changed the way you think and feel. I am now in fear of all police officers; I learned the hard way how they cover for each other for their crimes; police have guns, badges, and the term police officer on their side; what more they operate as gangs do and have the strength of numbers, and the average person.... as I was before all this started... tend to believe they are sworn to serve and protect the public. Out of everything that has happened to me in regards to this case what hurts the most is that I will spend the rest of my life knowing what these government agents are like; I will continue to relieve the nightmarish experiences they put me through. If I could change any one belief in my mind it would be that meeting Larry Frost was like having one of my arms chopped off; he has changed my life forever. Even if this law suit is won the corruption of Larry Frost haunts me. I got a tatoo on my arm of a burning flag the day before I went to court because Larry Frost had told me "I know judges you don't have a chance, you're going down." I got the tatoo because I felt Larry Frost was going to kill me because I would not do the things he was ordering me to do. I figured that when I was laying in my coffin people would look at the tatoo (which isn't pretty) and say why would Debra get that.

36. Because of the harassment from the government I can no longer live a normal life. I can't even call for the aid of a police officer if I am in need of one because I am afraid that they will do something to me. I have had experience to justify this fear. One of the worst pains I suffer from is what I have had to teach my children about law and government--not that they didn't see a lot of what happened for themselves. All I know is it shouldn't have been this way, not for me or anyone. I guess it helps a little bit to know that I am not the only one that has gone through the torture I have, even so I wouldn't wish my life on the devil himself. I feel like a freak of nature. I have a hard time relating to anyone; nobody I have ever met has lived through the harassment I have and of course there's those who think I deserved it, and worse the people who don't believe it at all.

37. It wasn't until the first time I was arrested on November 10, 1992 that I felt the law including all police officers were anything but perfect. Everything I had learned about the law being my example was changed. Here the officers were breaking the law. I remember sitting in my cell and watching the female officer walk slowly towards me while pulling on her rubber gloves, the whole time male officers lining up across the back of the precinct. I knew what was about to happen as they unlocked my cell and told me to place my hands on the wall and spread my legs . At that moment I was wishing I had never been born. This was the first time I had been arrested; I always thought that they only treated bad people this way, people that deserved it.

38. There was a time that I believed that police officers didn't lie EVER . I placed my hands on the wall and spread my legs as I was ordered, to this minute still trying to believe that they weren't going to do what I knew they were going to do. The female officer placed her hand inside of my unzipped dress and starting feeling my breast, the length of time she was feeling them seemed like eternity, I could feel a part of my mind leave at that moment the part of my mind that had been lead to believe that all police officers were good.

39. What happened next to this day is still hard for me to let surface in my memory. I see it like a movie, a horror movie. In front of approximately eight uniformed male officers, a male officer lifted up my dress above my waste exposing me while the female officer rubbed her hand and fingers all over my crotch area. I could hear the male officers laughing and making remarks. I starting crying and they starting making fun of me for crying, saying "oh poor baby, get the bitch a rag". At that moment I was visualizing myself turning into vapor and disappearing through a crack in the wall. If someone had told me that this happened to them I wouldn't have believed them, I didn't think the police department was capable of sexual assault.

40. To this day I suffer from this incident and feel I was sexually assaulted by the El Paso police department. I told the female officer that transferred me from the east side precinct to the jail that I had been strip searched five times and she told me that she believed me and that I should file a complaint, however, I was too afraid.

41. Additionally, when I was arrested at the U.S. customs bridge on November 10, 1992, the U.S. custom agent, a male inspector, grabbed me by the back of the neck and smashed my face into a brick wall he gave me a black eye. I remember the black eye lasted for three days and I avoided mirrors because it reminded me of what happened. I remember the agent holding the back of my neck and pushing hard and holding a knight stick over my head with the other hand, he told the two female officers if I even moved he was going to kill me . The two female officers had their hands under my dress where they were feeling my breast and crotch area at the same time. I knew they were feeling me in such a way as to make me try to move away to give reason to the male agent to hit me. I was literally praying to God that I wouldn't move even though It was one of the most uncomfortable feeling I had ever felt in my life, to have two women sexually assaulting me while the male agent held me. These incidents have instilled in me a great fear of police officers and government agents in general. They changed my entire outlook on law and law officers. After the arrest and these strip searches, I tried to act like nothing ever happened but I found myself becoming frantic every time I saw a police car or cop.

42. In addition, the actions of Agent Frost and members of the USCS FTF were directly responsible for Rasmark losing it's biggest customer, Ford Motor Co. Unknown to me, Agent Frost conducted interviews with Gail Beach, a business competitor who was bitter over the fact that Rasmark was receiving more business with Ford than Aero Freight. Beach furnished false information to Agent Frost about the relationship between Rasmark and Andy Gantkessy, a former Ford employee with whom Beach had a bitter relationship. I learned from Beach's deposition in January of 1997, that even though Beach herself told Agent Frost that her information was based upon rumor and hearsay, Agent Frost used that tainted information to drive a wedge between Ford and Rasmark. I also learned in April of 1996 when Attorney Sheppard got Andy Gantkessy's EEOC paperwork from Attorney Silva, that Agents Frost and Schroeder met personally with Ford officials and furnished extensive false information to them about Andy, me, and Rasmark.

43. Mr. Gantkessy was so afraid that he did not reveal to me

or Mark that FROST and other members of the FTF had confronted him in June of 1993. We learned in April of 1996 that Andy refused to become an informant for Agent Frost and the USCS FTF. After his refusal, the USCS SAC in El Paso, Mr. Michael Lappe, wrote a letter to Ford. The letter which Agent Frost has admitted that he, Frost, drafted, was purely malicious and vindictive in nature. It made slanderous allegations against Andy Gantkessy and Rasmark. Most of the information contained in the letter as well as the information furnished verbally by Agents Frost and Schroeder, has since been proven to be false, misleading, and unreliable. The allegations which Agent Frost made regarding monies paid by me to Mr. Gantkessy were personal loans which were repaid. Any free air transportation which Mr. Gantkessy might have received from Rasmark would not have been a violation of any state or federal law. It is clear to me that the letter to Ford was to assure that Mr. Gantkessy would lose his job and the business relationship between Ford and Rasmark would be terminated.

44. During the campaign against me, Mark, Mr. Gantkessy, and Rasmark by Agent Frost and his associates, three federal search warrants were issued. One on May 23, 1992, where Agent Frost, and other members of the FTF, literally terrorized me and my son Ian Maye when they took the box of RASMARK records from me without a search warrant at Diamond; FROST later obtained a search warrant for the box on May 26, 1992. In November 1993 the Rasmark business office and my home on Leo Collins were searched and virtually all our business and personal records, approximately 60 boxes of records, were seized. These records included all the FAA flight logs, aircraft engine logs, and other maintenance records , without which our business could not operate. These records were held by Agent Frost for over 18 months without any logical explanation.

45. The effect of all the combined malicious and vindictive actions of Agent Frost and members of the USCS FTF against us and the Rasmark business was utter devastation. The loss of revenue which should have been generated during the period from early 1991 to mid 1995 was several million dollars at the very least. The loss of future revenue will probably amount to as much as $100,000,000.00.

46. Although Rasmark Jet Charter, Inc. is still in business, the future of the business is uncertain at best. With no prospect of ever recovering it's most important customer, Ford Motor Company, Rasmark has little opportunity to increase in size or to expand into the national air charter market. I just wish these agents and task forces would leave us alone. We are not now, and never have been, in the drug smuggling or money laundering business. We worked very hard in making RASMARK a competitive business and did nothing illegal to earn our success. We have a right to spend our money and enjoy a nice lifestyle, after all, I thought we were living in a free country.

SIGNED this the 8th day of April, 1997.

/s/ Deborah L. Rasmusson
Affiant

STATE OF TEXAS
COUNTY OF EL PASO

Deborah L. Rasmusson, personally appeared before me, and first being duly sworn declared that she signed this affidavit, and further states that she has read the affidavit, and the statements contained therein are true.

SWORN TO and SUBSCRIBED before me this 8th day of April, 1997.

/s/ Dolores Diaz Olague
NOTARY PUBLIC
My commission expires on: 5-5-99

Affidavit of Andrew A. Gantkessy

1. I, Andrew A. Gantkessy, state that the day after I was interviewed by Federal Agents Fred Schroeder and Joe Acosta, in June of 1993, my attorney Tony Silva referred me to attorney Bernard Panetta because the agents had asked me to wear a wire and to make monitored telephone calls. I went to Mr. Panetta's office at approximately 6:00 p.m. on the same day Mr. Silva made the referral, I discussed my two meetings with the Federal agents, including agents Larry Frost, Fred Schroeder, and Joe Acosta. Mr. Panetta stopped me several times because I was talking too fast. Mr. Panetta advised me not to wear a wire and told me the following:

1. The Federal Agents had nothing on me (they were fishing).

2. They didn't give me my rights.

3. They wanted me to do their work for them, by wearing a wire and they didn't care what happened to me.

4. I would be in jail if they had all this evidence against me.

5. To call agent Schroeder and tell him I was not going to wear the wire because of my health problems.

6. If agent Schroeder threatened me again to please come back and see him at once.

2. Mr. Panetta told me not to look so worried, if the agents had anything on me, I wouldn't be there (at his office). I advised Mr. Silva what Mr. Panetta had told me and then telephoned agent Schroeder and told him I would not wear a wire.

3. I have reviewed a photocopy of a letter from the United States Customs Service (USCS) to Ford Motor Company dated July 26,1993 which is attached to and part of this affidavit (**Appendix D, Vol. II, Exhibit 20**). Agent Frost admitted during his deposition that

he wrote the USCS letter to Ford Motor Company. I first saw this letter when Attorney Sheppard asked me to get all of my EEOC file from Attorney Silva in April of 1996 and this letter was in the file that I received. The statements made on page one (l), that I received numerous cash payments and free Lear jet charters from Deborah Rasmusson as payment for favors are false. I never received any cash payments or free charters from RASMARK or the Rasmussons. On one occasion, at the Amigo Air Show, I won a free trip from RASMARK, through a drawing they held, which was open to many other people. I did make other trips on RASMARK aircraft, but I always paid for these trips based on the current air fare of other airlines such as Southwest.

4. Paragraph three (3) includes the statement "as of this date Special Agents have collected irrefutable evidence that Mr. Gantkessy has in fact received several thousand dollars in free aircraft charters and cash payments from Deborah Rasmusson." However, I was never indicted for receiving kickbacks, and the Internal Revenue Service never audited or investigated me. If the evidence was irrefutable I believe I would have been arrested. I never told the agents that Deborah Rasmusson gave me thousands of dollars because she liked me as stated in the letter. The letter also states "Mr. Gantkessy stated Deborah Rasmusson offered him $5000.00 per Ford Charter which Mr. Gantkessy dispatched through RASMARK." That statement is false. Deborah Rasmusson never offered me money for charters. The fact is many if not most of the RASMARK charters for Ford cost less than $5,000.00, and it would be ridiculous for RASMARK to pay me more than they were billing Ford. The letter also states that "approximately one week after this offer he traveled to Las Vegas, Nevada with the Rasmussons and that all expenses were paid by the Rasmussons including $500.00 cash and additional slot machine money which he received from the Rasmussons." The fact is on one Las Vegas trip Mark Rasmusson loaned me about $600.00 in poker chips. I did not use the poker chips and returned them to him the same night.

5. In the second page, paragraph two (2) the letter says "Mr. Gantkessy stated he was taken on a total of four trips to Las Vegas by the Rasmussons on RASMARK aircraft. Mr. Gantkessy farther

acknowledged that he went to the super Bowl and two other professional football games in California with the Rasmussons on RASMARK aircraft. All of these trips and attendant accommodations were at no cost to Mr. Gantkessy." That statement is also not true. I did make several trips on RASMARK aircraft to Las Vegas, however, I always paid the going rate for my airfare and paid all of my related expenses. The letter to Ford states that "Mr. Gantkessy stated that he was told by Deborah Rasmusson that if anyone ever questioned his trips on RASMARK aircraft, he was to tell them that the trips were charters for which he had paid RASMARK and she would provide false invoices to him for verification." In fact, Deborah Rasmusson never told me that, and I never made those statements to the agents.

6. On page two (2) the letter also states "Mr. Gantkessy stated that he received cash from Deborah Rasmusson on several occasions and that these "gifts" were in amounts ranging from $50.00 to $3,500.00. Mr. Gantkessy stated that on one occasion, while in Las Vegas, Nevada, Mark Rasmusson gave him between $1,200.00 and $1,500.00, Mark Rasmusson stated that the money was from Deborah Rasmusson. Mr. Gantkessy stated that he does not know the total amount of cash he received from Rasmussons." Those statements also are not true. I never received any monies or kick backs from Mark Rasmusson, Deborah Rasmusson, or RASMARK.

7. On page two (2), paragraph four (4) the letter states "Mr. Gantkessy stated that Deborah Rasmusson offered him a percentage on a second air freight company she owns which is called Next Flight Inc. Mr. Gantkessy stated that he declined this offer." I was never offered a percentage on a second air freight company named Next Flight, Inc. I was offered a job as a dispatcher with Next Flight, Inc. by Deborah Rasmusson, which I declined.

8. **Appendix G, Exhibit 28** to my affidavit is a USCS Report of Investigation dated June 14,1993 concerning my interviews on June 2 and 3 of 1993. The statements attributed to me in this report are the same as those contained in the USCS letter dated July 26,1993 and are not true. In his declaration, Agent Frost states that he made an

appointment with me regarding the June 2,1993 interview. That is not true, none of the agents ever made an appointment to talk with me on that date. I also was never shown a copy of the report to verify my "alleged" statements. The reports of my June 2 and June 3 interviews failed to disclose that the statements attributed to me were in fact statements the agents confronted me with to verify, and not statements that I made. After continuous badgering by the agents I finally told them I would agree to anything they said so I could get out of the room. As stated in my prior affidavit I was sick and afraid I might have a heart attack. Because of the number of agents present I felt threatened and coerced.

9. The June 3, 1993 portion of the USCS report states; Deborah Rasmusson told me she had given an employee of GM $100,000 for charters given to RASMARK (page 2), and that on two The first time was prior to the first trip to Las Vegas. On the second occasion Deborah Rasmusson gave him an envelope containing money and one cigarette of marijuana." Those statements were also alleged by the agents, not my words. The statements are not true. The USCS report does not reflect all the threats the agents made to me as documented in my affidavit dated October 3, 1996. The USCS report does not mention that the agents asked me to wear a wire and cooperate. Attached to this affidavit is a photocopy of a statement I made to Ford Motor officials on August 19, 1993 (**Appendix D1, Exhibit 43**) which corroborates the information contained in my affidavits, concerning my meetings with the Federal Agents on June 2 and June 3, 1993.

10. I have also reviewed photocopies of two Ford management memorandums related to meetings with the USCS on August 18, 1993 and September 24, 1993 (**Appendix D, Vol. II, Exhibits 20A and 20B**). I received this information on April 27, 1996 from Attorney Silva. The first meeting on August 18, 1993 was between Phil Asiala, Tim Pomaville, and Larry Frost. The memorandum states in part "Mr. Frost indicated that Gantkessy was deeply involved with the Rasmussons and RASMARK Charters, and described pertinent testimony that implicates Gantkessy in accepting money, air transportation, and other forms of kickbacks from

RASMARK... he assured us that Mr. Gantkessy has become a part of the investigation." I never accepted any money, air transportation, or other forms of kickbacks from RASMARK. If I were a part of the investigation I was never advised of my rights during either of my interviews on June 2 and June 3, 1993.

11. The second Ford memorandum **(Appendix D, Vol. II, Exhibit 20B)** involves a meeting between Ford officials and USCS agent Fred Schroeder on September 24, 1993. The memorandum states: "They recommended that we speak with Bob Hunter from the air charter service known as Kitty Hawk. He knows a lot about the activities of RASMARK and Andy Gantkessy. He knew a lot about Gantkessy's corrupt activity even though he may not be subject to criminal prosecution. They did state, however, that Andy will most likely have major problems with the IRS, because it will be established that he has been receiving payoffs from RASMARK, and naturally, did not claim any of it. They describe Hunter as a willing participant who will quickly describe his knowledge of Gantkessy's cheating Ford out of large amounts of money and stating, 'don't worry about it'. In one of Mark Rasmusson's moments of anger over a pending divorce he made the statement to Hunter that Andy got paid of 'big time'." I was never involved in any corrupt activity with anyone including RASMARK. The statement that I may not be subject to criminal prosecution contradicts Frost's statement to the Ford Motor officials on August 18, 1993 when he assured them I had become a part of the investigation **(Appendix D, Vol. II, Exhibit 20A)**. I also never had any problems with the IRS either civil or criminal, because I never received any payoffs or had any unreported income. I was never the subject of a civil audit or criminal investigation by IRS which was verified by IRS Special Agent Fonda Hivick during her deposition. I never cheated Ford Motor or anyone else out of money and certainly never told Bob Hunter "don't worry about it" as stated in the memorandum. I also was never paid off by Mark Rasmusson or RASMARK for charters.

12. The second and third paragraphs of the September 24, 1993 memorandum states: "Schroeder also states that it is important for us to know that the second meeting that they had with Gantkessy was at

the request of Gantkessy, and he volunteered all of the information. He was not asked, threatened, or coerced into saying anything, but came in voluntarily and admitted receiving marijuana from Debbie and $9,000 in cash, which did not include flights, gifts, lodging or any other costs of travel. He gave specific answers to questions and expounded on what he did. He stated that he knew he was violating Company rules. He said, 'I'll cooperate, just don't tell Ford.' I'll lose too much. I'll wear a tape recorder if you want, but just don't tell Ford".

13. It should be noted that he admits cheating on shipments by using more airplanes and other items to boost RASMARK profits." I never requested the second meeting and never volunteered any information. The information contained in those two paragraphs is not true. It is also of record that the USCS report of my interviews on June 2 and June 3, 1993 make no mention that I came in voluntarily, that I received 9,000 in cash, and that I knew I was violating (Ford) Company rules. There is also no mention in the report that I would cooperate, just don't tell Ford, that I would wear a tape recorder, or that I was cheating on shipments by using more airplanes and other items to boost RASMARK profits. If those statements by me were true they should have been included in the USCS report of my interviews. In fact none of the statements are true.

14. The concluding paragraph to the September 24, 1993 Ford Motor memorandum states:

> "THESE AGENTS REMINDED US OF ONE VERY IMPORTANT ISSUE. GANTKESSY CANNOT TAKE THE STAND AND TESTIFY ON ANY OF THESE ISSUES IF HE WERE TO BRING A LAWSUIT AT FORD, BECAUSE IT'S A CRIMINAL OFFENSE TO LIE TO FEDERAL AGENTS. IF THE ISSUE GOES TO COURT HE WILL END UP BEING PROSECUTED FOR FALSIFYING INFORMATION TO THE FEDERAL AUTHORITIES. THEY ARE STILL COOPERATING AND WILLING TO TESTIFY TO GANTKESSY'S PARTICIPATION IN

ACTIVITIES OF RASMARK."

This was clearly an effort by the USCS and agent Schroeder to ensure Ford Motor officials that if I denied the bogus statements attributed to me and filed a law suit against Ford they (the Federal agents) would prosecute me for falsifying information to Federal authorities.

15. The letter to Ford Motor, dated July 26, 1993 (**Appendix D, Vol. II, Exhibit 20**) and the two meetings with Ford Motor officials on August 18, 1993 by agent Larry Frost, and on September 24, 1993 by agent Fred Schroeder and El Paso Police Department Officer James Holland (**Appendix D, Vol. II, Exhibits 20 A and 20B**) involved improper disclosures, and lies, and were part of a vendetta against me for refusing to wear a wire and assist them in their bogus investigation of Mark and Deborah Rasmusson and RASMARK. The USCS letter to Ford and subsequent two meetings by agents Frost and Schroeder with Ford officials were a major factor in my termination by Ford Motor Co. and the related loss of my pension.

16. I have also reviewed a photocopy of a United States Customs Service report, number 064, dated March 22, 1993, concerning an interview conducted March 9,1993 with Gail Beach (**Appendix G, Exhibit 24**). The allegations made by Beach (page 4) that I was in a kick back scheme with RASMARK and sexually compromised by Deborah Rasmusson is totally false. During her deposition, Beach under oath stated that she told the agents the information she was providing was based on rumors and hearsay. Agent Frost failed to include that in his report in an effort to make the information provided by Beach appear factual.

17. Gail Beach's statements about RASMARK, the Rasmussons and myself were totally motivated by her desire to destroy the RASMARK business, especially as it related to Ford Motor Company. Gail Beach in her "Answers to Admissions" (**Appendix I, Exhibit 7**) subsequently denied telling USCS agents Lawrence Frost and Eric Mills "the Rasmussons were engaged in a 'kick back' scheme with Joe Sudomir and Andy Gantkessy (Admission 5)."

18. I also reviewed a photocopy of USCS report number 073, dated March 30,1993 concerning an interview with Chris Hines and written by USCS agent Fred Schroeder (**Appendix G, Exhibit 26**). I know that Chris Hines was a disgruntled employee who was fired by RASMARK. After being fired Hines made it a point to bad mouth RASMARK, the Rasmussons, and myself whenever he got the chance. On page 2, paragraph 2, Hines states that Deborah Rasmusson gave him a $4,000 check to cash and he believed the money was going to me. I never received any monies, including the $4,000, for contracting air charter services with RASMARK. Hines also states in the same paragraph that Deborah Rasmusson gave him another check to cash because she owed me money. According to Hines he was supposed to deliver the money to me, but Deborah Rasmusson later changed her mind and had him (Hines) return the cash to her. I never received any monies and or kickbacks from RASMARK or the Rasmussons. I do recall that one time I loaned Deborah Rasmusson cash which she subsequently repaid. On another occasion Deborah Rasmusson used either the RASMARK or her personal credit card to purchase some flowers for my wife at my request. However, I reimbursed her for the expenditure. In the last sentence of page 2, paragraph 2, the USCS report states "Hines further stated that Gantkessy and RASMARK were billing Ford for flights that did not occur." That statement is a lie. Ford Motor's accounting procedures would not allow that to happen. Destination shipping invoices are matched with the billing invoices and if the shipping invoice was not in the file the billing invoice would not be paid.

19. On page three, paragraph two of the USCS report, (**Appendix G, Exhibit 26**) Hines states he was told by Deborah Rasmusson that she owed me money because I allowed them (RASMARK) to hold some Ford freight for several hours in order to fly the Mexican police. That statement is also untrue. RASMARK had several Lear jets and a Falcon jet, and normally had aircraft available to handle all the Ford Freight. In his deposition, USCS agent Schroeder stated he didn't think that the credibility of a witness would be affected by the fact that they had been fired. Agent Schroeder failed to notate in his report that Hines had been fired by RASMARK. In his "Answers to

Admissions" (**Appendix I, Exhibit 8**), Hines denied telling USCS agent Fred Schroeder and El Paso Police Detective Holland that "Debra Rasmusson stated the money was for a person who had given them a lot of business (Admission 6)." The denial related to USCS report number 073 (**Appendix G, Exhibit 26**), page 2, paragraph 2. Hines also denied telling agent Schroeder and officer Holland that "Debra Rasmusson went on to state that she owed Andy Gantkessy some money, but could not put his name on the check (Admission11)." The denial also related to USCS agent Schroeder's report (**Appendix G, Exhibit 26**), page 2, paragraph 2. Hines also denied telling agent Schroeder and officer Holland that "Gantkessy and RASMARK Jet Charter were billing Ford for flights that did not occur (**Appendix I, Exhibit 8,** Admission 13)." USCS agent Schroeder admitted under oath during his deposition that the witnesses were not allowed to review the reports for accuracy.

20. I have reviewed photocopies of two Ford Motor Company interviews/reports with Gail Beach and Mark McAllister. The first report is styled "CONFIDENTIAL" and is dated January 2,1992 and includes an interview with Gail Beach conducted on December 17, 1991 (**Appendix D1, Exhibit 37**), and interviews with other Ford Favesa employees and suppliers. The second report by Ford Motor is styled "Notes, El Paso Visit, September 21, 1993" and includes interviews with Gail Beach and Mark McAllister (**Appendix D1, Exhibit 39**). Gail Beach was the owner of Aero Freight, Inc. and a competitor of RASMARK. Gail Beach hated Mark and Deborah Rasmusson and was jealous of their business. The statements contained in the Beach interviews on December 17, 1991 and September 24, 1993 are untrue.

21. The truth is Joe Sudomir was my immediate supervisor at Ford Favesa and had the ultimate say as to which charter services Ford Favesa contracted with. **Appendix D1, Exhibit 41** is a management diagram which shows that my supervisor was Joe Sudomir. The facts are that RASMARK offered better service, cheaper rates, and had superior equipment. That is why Ford Favesa preferred to contract with RASMARK. I have never received any kick backs, monies, free flights, sexual favors, or any other gratuities from anyone associated

with RASMARK in exchange for awarding charters to RASMARK. I never called Deborah Rasmusson to tell her Viking Charter had struck a deal as indicated in the December 17, 1991 interview. In addition, RASMARK never spread a load of freight over three or four Lear jets when one Falcon would do the job and was available. Beach's allegations, on **Appendix D1, Exhibit 37**, page 2 of the December 17, 1991 interview, stating that RASMARK charged .20 (cents) more per mile, and that Aero Freight charged $1000 less per trip are both lies. RASMARK was always equal to or cheaper than the rates of the other carriers including Aero Freight. Gail Beach and Aero Freight had to subcontract almost all of their Ford Favesa charter work, because they owned only one aircraft. I never saw RASMARK over fill a plane or damage cargo including relating to the Ford charter work as indicated by Beach during the December 17, 1991 interview (**Appendix D1, Exhibit 37**, page 2).

22. Beach's lack of credibility is further reflected in her statements regarding Joe Sudomir (**Appendix D1, Exhibit 37**). On December 17, 1991 Beach told Ford officials that rumors suggest that Gantkessy and possibly Sudomir are receiving sexual favors and are on the RASMARK payroll. Also Beach believes that Sudomir must be involved in the unprincipled business practices between the El Paso warehouse and RASMARK. On March 9, 1993 Beach allegedly told USCS agents Frost and Mills the Rasmussons were engaged in a kick back scheme with Sudomir (a statement Beach subsequently denied). Also that Deborah Rasmusson was paying Sudomir $1,000 per trip which Sudomir brokered through RASMARK for Ford Favesa. On September 21, 1993, Beach told Ford officials "Joe was a tough customer, demanded that everything be done properly, and was never known to accept any form of gratuities (**Appendix D1, Exhibit 37**, page 2)."

23. Included in the Ford Motor report (**Appendix D1, Exhibit 37**, page 3) is an interview with Mark Short an employee of Gail Beach and Aero Freight, Inc. Short alleges that RASMARK charged Ford $2.90 to as high as $3.15 per Lear 25 mile, while Aero Freight charged $2.50 per Lear 25 mile. Short stated he brought this

discrepancy to my attention on several occasions. The amount Short states RASMARK charged Ford Motor is not correct. RASMARK's rates were always competitive to the other carriers and were always equal to if not lower.

24. **Appendix D1, Exhibit 37,** page 3 also includes an interview with Chris Hines a former employee of RASMARK. Hines states that he came to me on numerous occasions with proposals to reduce Ford charter costs and that I objected to his initiatives, and berated him. Hines also states that I told him Ford is not his or RASMARK's friend, and that it is not in his or RASMARK's best interest to decrease charter costs. Those statements are simply not true. I worked closely with RASMARK to ensure that Ford Motor received the best deal possible. Hines did not approach me with any proposals to reduce charter costs. I never told him Ford was not his or RASMARK's friend or that it was not in his or RASMARK's best interest to decrease charter costs. Hines also told the Ford officials that in December of 1990 Ms. Rasmusson sent him out to cash a check for several thousand dollars. When he (Hines) questioned Deborah Rasmusson about the purpose of the money she responded that if you ever bring me the kind of business this guy has, you too will receive a bonus. Hines denied making a similar statement to the USCS in his "Answers to Admissions" (**Appendix D1, Exhibit 37** and **Appendix I, Exhibit 8,** Admission 6). Hines also stated the following night at a Christmas party held at the Rasmusson home I was giving extravagant tips to the bartender, his younger brother. I never received the money alluded to by Hines from RASMARK or Deborah Rasmusson. It may be true that I gave his brother large tips, but it was Christmas and I was in a good mood and felt generous, having survived a stroke and open heart surgery.

25. I have also read the photocopy of the Ford Motor interview with former RASMARK pilot Mark McAllister (**Appendix D1, Exhibit 39**). In page 1, paragraph 2, McAllister discusses a trip I took with RASMARK in November 1990. As I previously stated I took several trips with RASMARK to Las Vegas, but always paid for my airfare and other expenses. I paid for my airfare to Deborah Rasmusson

not McAllister so he had no way of knowing what I paid or if I paid. On page one, paragraph four, McAllister alleges that RASMARK was charging Ford $2.75 per mile while everyone else was paying $2.50 per mile. I know that RASMARK's prices to Ford were always equal to or less than that of the other charter services. McAllister also alleges he learned quickly not to ask why they were using two planes instead of one larger plane, and that this was very costly to (Ford) Favesa by several thousand dollars each trip. I am not aware of RASMARK ever splitting up freight on two Lear jets, when one Falcon jet was available and could have carried the load. McAllister also makes it sound mysterious that I stopped by (at RASMARK) and loaded small boxes on planes for trips which was unusual. That is a lie. I assisted in loading freight on RASMARK and other charter company aircraft on a daily basis. McAllister also alleged (page 411, paragraph 5) that I was falsifying manifests. Also that the most common (falsification) was falsifying the amount of weight on the manifests. McAllister said I loaded more weights (excess weights) and "fooled" the pilots by not telling them what I did. McAllister said the problem was that they would load the planes so full that there was no aisle way, no exits, and it was so bad they would have to stick the credit card against the inside glass when they purchased fuel for the airplanes. I never falsified a manifest or the amount of weight on the manifest. I also never saw a RASMARK aircraft overloaded as described by McAllister. I was never involved in any "illegalities" or "dishonesties" with RASMARK as alleged by McAllister.

26. I have also reviewed a photocopy of a Ford Motor interview with Chris Hines and Bryan Hines, former employees of RASMARK, dated September 24, 1993 (**Appendix D1, Exhibit 42**). Chris and Bryan Hines discussed two trips to Las Vegas. The first trip related to a pilot named Art who got married in Las Vegas and the second Las Vegas trip related to a Mike Tyson fight. The Hines brothers also discussed a trip to the superbowl. Chris and Bryan Hines both indicate I went on each of the three trips, which is true, but what they didn't discuss was that I paid for my own airfare and expenses on each of the trips. I did not pay Chris Hines or Bryan Hines, however, I did pay Deborah Rasmusson the fare market value of my airfare and

related expenses. I am not aware of RASMARK overloading their aircraft or using unqualified people as co-pilots as indicated by the Hines brothers. Bryan Hines also stated he went into Deborah Rasmusson's desk drawer and saw blue check stubs which had been made out to me. Both stated they remember her (Deborah Rasmusson) making out checks that would show Chris' (Hines) commissions and Mexican fees, but that he (Chris Hines) never got the money, and that it was a cover to pay me without "tracers." I never received any money, including RASMARK checks or anything else for awarding charters to RASMARK. Bryan Hines also discussed a superbowl trip that was canceled because Joe Sudomir found out about it. In fact, the trip was canceled by RASMARK. If I had gone I would have paid for my own airfare. In the last paragraph Bryan Hines alleges that Deborah Rasmusson and I were scheming all kinds of extra flights, and that we (Deborah Rasmusson and I) had hundreds of excess charters, and it must have cost Ford millions. Bryan Hines also stated he saw me "fudge" the figures to benefit RASMARK. Bryan Hines' statements are totally absurd relating to the hundreds of excess flights and costing Ford millions. I never awarded RASMARK one excess charter. As I previously stated in my affidavit Ford's internal accounting procedures would identify any such scheme. I also never fudged on or altered any figures relating to RASMARK invoices to Ford. In addition, I never hid any freight to boost the number of flights (for RASMARK) and make more money (for RASMARK).

27. I also reviewed photocopies of two affidavits for search warrants, each dated November 19, 1993, signed by agent Lawrence Frost. **Appendix G, Exhibit 3A** consists of excerpts of Frost's affidavit for search warrant relating to 11157 Leo Collins Dr. (the Rasmusson's residence). **Appendix G, Exhibit 3B** consists of excerpts of Frost's affidavit for search warrant relating to 6805 Boeing Drive (RASMARK Jet Charter). In **Appendix G, Exhibit 3A**, paragraph 68 Frost states that Beach told him "the Rasmussons were engaged in a 'kick back' scheme with Joe Sudomir and are currently engaged in such a scheme with Andy Gantkessy." In her answers to Admissions (**Appendix I, Exhibit 7**) Beach denied making the statement (Admission number 5). In addition, I have never received and any form of kick backs from

RASMARK or the Rasmussons. On pages 15 and 16, paragraphs 78 and 79, agent Frost outlines an interview with Chris Hines, a former employee of RASMARK, which was conducted by agent Schroeder and officer Holland. Frost in his affidavit states "Debra Rasmusson gave him (Hines) a check for $4,000.00 and told him to cash the check and bring the money back to her . . . Debra Rasmusson further stated (to Hines) that the money was for a person who had given them a lot business. Mr. Hines believes the money was going to Andy Gantkessy (paragraph 78)." In his "Answers to Admissions" Hines denied making the statement that "Debra Rasmusson stated that the money was for a person who had given them a lot of business." I never received the referenced monies or any other monies or gratuities from Deborah or Mark Rasmusson, or RASMARK, **(Appendix I, Exhibit 8)**.

28. Frost's affidavit also states "on another occasion Debra Rasmusson gave Mr. Hines a check to cash. In the ledger Debra Rasmusson wrote the notation 'Chris's Commission,' she stated the money was not for Hines. Debra Rasmusson went on to state that she owed Andy (Gantkessy) some money, but could not put his name on the check (page 16, paragraph 78)." In his "Answers to Admissions" Chris Hines denied telling agent Schroeder and officer Holland "that Debra Rasmusson went on to state that she owed Andy Gantkessy some money, but could not put his name on the check (**Appendix I, Exhibit 8**, Admission 11). I never received any monies or other gratuities from Deborah or Mark Rasmusson or RASMARK for awarding charters to RASMARK. Frost's affidavit also states (paragraph 80) "Mr. Hines further stated that Gantkessy and RASMARK Jet Charter were billing Ford for flights that did not occur." In his "Answers to Admissions" Chris Hines denied making that statement to agent Schroeder and officer Holland (**Appendix I, Exhibit**, Admission 11). The statement is a complete lie RASMARK and I never conspired to bill for flights that did not occur.

29. On pages 19 paragraphs 95 through 100, agent Frost's affidavit references my interviews on June 2 and June 3. Agent Frost in paragraph 95 states that I agreed to talk to the agents. That is not true, agent Frost and approximately 6 other agents appeared at my place

of business unannounced. Because of the amount of agents I felt threatened and intimidated. I asked to call my wife and call an attorney, but I was told if I got out of my chair, I would be arrested. In his affidavit agent Frost states "Mr. Gantkessy stated that he had received money from Debra and Mark Rasmusson, however he did not think the money was a pay off. Mr. Gantkessy was told by Debra Rasmusson that she was giving him the money because she liked him. Mr. Gantkessy further stated that he had gone on several free trips with the Rasmussons." I deny making any of those statements, the words and statements were those of the agents. Because I was feeling sick and I was afraid I was going to have a heart attack, I finally told the agents I would agree to anything they said. In paragraph 97, Frost states "Special Agent Schroeder made arrangements to have Mr. Gantkessy come to the Office of Enforcement for a more detailed interview on June 3, 1993." The fact is I was ordered to report to the USCS office and was told that if I failed to show up at the Customs office I would be arrested.

30. Agent Frost in his affidavit states (paragraph 99) "Mr. Gantkessy stated that he received money on several occasions from Debra Rasmusson, other than on the trips. Mr. Gantkessy stated that Debra Rasmusson gave him different amounts anywhere from $50.00 to $3,500.00 in cash. Mr. Gantkessy stated that on one of the trips to Las Vegas Mark Rasmusson gave him $1,200--$1,500.00, stating that it was from Debra Rasmusson. Mr. Gantkessy was not sure however what the total amount that he received was." I never received any of the cited amounts from the Rasmussons. The words in paragraph 99 are those of agents Acosta and Schroeder. Agent Schroeder failed to include in his report that I told the agents that I was not aware of any illegal activities on the part of either Mark or Deborah Rasmusson or any employee of RASMARK. Frost also stated in his affidavit (paragraph 100) "Mr. Gantkessy stated that Debra Rasmusson also offered him (Gantkessy) a percentage of a company she was starting called 'NEXT FLIGHT'. Debra Rasmusson stated the company would be under David Chavez's name in order to qualify for minority status. Mr. Gantkessy stated he again refused the offer." I told agent Schroeder and officer Holland that Deborah Rasmusson offered me a job with

Next Flight, not a percentage of the company, and I declined the job. Agent Schroeder also failed to include in his report that he asked me to wear a wire and to record conversations with the Rasmussons. I told agent Schroeder I would think about it and call him the next day. Agent Schroeder also asked me to make a phone call from his office to Mark Rasmusson and to allow him to record the call. I refused to make the phone call. Before I was allowed to leave the customs office agent Schroeder again threatened me, telling me that I would lose my job and go to jail if I refused to cooperate with him and the other agents. He (agent Schroeder) assured me that if I cooperated nothing would happen to me.

31. On **Appendix G, Exhibit 3A** , page 25, paragraph 123, agent Frost states "I believe there is probable cause to believe that RASMARK Jet Charter has 'double invoiced' flights for Ford Motor Company and bribed Mr. Gantkessy to cooperate in this scheme." The truth is, RASMARK working with me, never double invoiced Ford. It is also my understanding that Mr. Vargas denied telling the agents that RASMARK was "double invoicing." Mr. Vargas said what he told the agents was that he prepared a second invoice to replace a missing or lost invoice.

32. I have also reviewed excerpts of agent Frost's affidavit for search warrant relating to RASMARK Jet Charter, 6805 Boeing Drive, **(Appendix G, Exhibit 3B)**. The allegations against me are identical to those contained in **Exhibit 3A.** I deny the allegations against me in **Exhibit 3B** for the same reasons cited relating to **Exhibit 3A.**

I have read the above statement consisting of this page and six other pages. The information contained in the statement is true and correct to the best of my knowledge.

Signed this 8th day of April, 1997.

/s/ Andrew A. antkessy
Affiant

STATE OF TEXAS
COUNTY OF EL PASO

SUBSCRIBED AND SWORN to before me, the undersigned authority, on this 8th Day of
April, 1997.

/s/ Dolores Diaz Olague
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
My Commission expires: 5/5/99

[Paragraphs numbers added to text}

HANDWRITTEN STATEMENT

1:30 PM, 8/19/93

ANDY [ANDREW A.] GANTKESSY

1. Regarding the issues that have been brought to my attention on 8-19-93, the following is my response:

2. Regarding the money issue that I allegedly received money from Rasmark, I told the federal investigators what they wanted to hear. Whatever they asked me I was physically and mentally in no condition. They kept saying they were going to drag me out handcuffed with Ford Motor authority. They mentioned varying amounts of money, $1200, $1500, $5000, and $3500. I just said "yes, if you say so." I asked about a lawyer and they said "if you want a lawyer we will arrest you."

3. Everything which refers to Rasmark is in fact, in reference to Debbie and Mark Rasmusson.

4. Regarding the free charters; one charter which was free was done at the Amigo Air Show and I won. Carl Peugh, Bob Card were present (the drawing was in front of about 80 people) the drawing which entitled me to that flight. It was on Rasmark Charters to Law Vegas. The Super Bowl, 1993 I paid for my flight to the Superbowl in Pasadena on Rasmark passenger plane. There were two other couples plus Debbie and Mark Rasmusson, plus the co-pilot. I flew in on Saturday morning and flew back on Monday morning. I don't remember the name of the hotel where we stayed but I remember paying $45 cash per night. I shared the room with their co-pilot I can't remember the name.

5. I took a couple trips to Las Vegas that I recall and paid cash to Rasmark at fair market prices. Whatever Southwest charged I paid.

6. One of the trips to Vegas included California also. Again,

I purchased "scalper" tickets at the stadium in Los Angeles (Raiders - 49ers game).

7. I never received any money from Rasmark for awarding charters. I never received free flights and money for gambling in Las Vegas from the Rasmussons. I did say "whatever you say" when they made these allegations. I said this to end the meeting.

8. Deborah Rasmusson offered me a job to be a dispatcher for Next Flight Co. about February, 1993. I declined the offer. I assume that Debbie was the principal owner and Dave Chevez was the president. They were listed as a minority company and I reviewed it with Division (Dave Falk). [Added notes: I asked Dave Falk if I could use them.; Dave Falk told me to use them, it was a minority] Ford had approved them for a minority carrier & I used them for a couple flights. I then spoke with Osidacz (May or June '93) and George Demopolous regarding Next Flight as a minority carrier. They said "don't use them". Osidacz had called me and asked if I had a carrier near McCallan. I said "no," I didn't even know where it was at. He said closest is Dallas and I said "Why don't you use Next Flight" and he said "No, don't use them at all."

9. Around July 4, 1993 Mark and Deborah Rasmusson asked me to speak with them. I went by after work and they offered me a position as a dispatcher, that their dispatcher quit and I could work for both of them. Debbie was there and agreed that I could work for both of them.

10. This statement is true and accurate to the best of my knowledge.

/s/ ANDY GANTKESSY

WITNESSES: /s/ T. Pomaville

/s/ Phil Asiala

Affidavit of Lee Andrea

I Lee Andrea state that I reside at 1500 Ashford #39, Horizon City, Texas 79927. I further state I was employed as a bellman and later as banquet manager for the Airport Hilton from 1993 to 1995. In 1993 I was employed [as] a bellman and was working a night shift. One night I was approached by an individual who identified himself as a law enforcement officer. I do not recall his name or the agency he was with. He was approximately 6' tall with a thick moustache and was Anglo. He told me he was investigating the driver of a Bronco XLT, which I believe was blue and beige. I did not know the name of the owner, but know he was a friend of or associate of Jack Quarles. I now know that individual's name is Mark Rasmusson, who I met at an air show last year. The law enforcement officer implied the individual was wanted by the law and dangerous. He also told me he couldn't go into his room to arrest him, but had to wait for him to come outside. The officer asked me to look up several names in the hotel computer to determine which room the individual was staying in. I told him no. The officer stayed at the hotel from approximately 11:00 p.m. to 1:30 A.M.

I have read the foregoing statement consisting of 1 pages, each of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each.

I made this statement freely and voluntarily without any threats or rewards, or promises of reward having been made to me in return for it.

/s/ Lee Andrea

Subscribed and sworn to before me this 19th day of September, 1996, at Emerald Springs Country Club.

/s/ Edward H. Wagner
Notary Public
My Commission expires on 9/29/99

/s/ Henry A. Webb
Witness

[Paragraph numbers added to text]

Affidavit

1. I Albert Apodaca state that I am a Certified Public Accountant and my office is located at 2507 E. Yandell, El Paso, Texas 79903, telephone # 915/545-1902. I have reviewed photocopies of a DEA Form 6, dated September 13, 1990, and excerpts from Larry Frost's Affidavit for a search warrant, which are attached to and part of this affidavit. I wish to make corrections and/or clarifications to the statements attributed to me as follows:

2. In both reports the agents discuss a single $11,000 cash transaction, I had told the agents the money was from several cash transactions. Mark Rasmusson asked me if he should reconstruct the missing invoices related to the $11,000. Mr. Rasmusson did not ask me if he should match the invoices to the amounts the government agents knew about as indicated in the DEA Form 6 and affidavit, and that is not what I told the agents. I also did not tell the agents I was alarmed by Mark Rasmussons actions, what I did tell them was that I was alarmed by their contacting me. It was not because of anything Mark Rasmusson did. I also told the agents I always knew Mark Rasmusson to be very honest, and that I was not aware of him being involved in any illegal activity. That was not included in either report.

3. It is true that Deborah Rasmusson gave me a letter stating RASMARK did not accept cash. I was never told that by Mark Rasmusson. . . . [correction initialed by Affiant] I also did tell the agents that I was familiar with RASMARK's major accounts. I also told them I was not familiar with the Jesus Flores/Vista Remodeling account. However, the agents implied Flores/Vista remodeling was a major account which is not true. Even if Flores/Vista Remodeling had spent $50,000 that would not make them a major account. Ford Motor and Chrysler were major accounts and their business with RASMARK was close to or in excess of a million dollars a year. Also, Deborah Rasmusson has never made

any statements to me about taking cash under the table as reflected in the DEA report. I also never told Arturo Vargas that Deborah Rasmusson admitted not paying taxes on $100,000 of income in 1990 or 1991, as reflected in Larry Frosts affidavit.

4. I did require that DEA give me a subpoena prior to giving them any records, I believe this was done at the recommendation of my attorney, not Mark Rasmusson. The Internal Revenue Service did an audit of . . . [Correction by Affiant] 1989-1990 income tax returns for RASMARK. This audit resulted in a "no change" or no additional tax due. I . . . [correction by Affiant] will provide photocopies of the Deborah Rasmusson's letter, the IRS audit report, the referenced May 1990 financial statement which are also attached to and part of this affidavit.

5. I was never shown a copy of the DEA Form 6 regarding my alleged statements until just before Mark Rasmusson's trial. At that time I told agent Perkins some of the statements attributed to me were not correct.

/s/
Albert Apodaca

State of Texas
County of El Paso

Albert Apodaca , personally appeared before me, and being first duly sworn declared that he/she signed this affidavit, and further states that he/she has read affidavit and the statements contained therein are true.

Sworn to and subscribed before me this 24th of Sept., 1996.

/s/
Edward Wagner
Notary Public
My commission expires on 9/29/99

/s/
Henry A. Webb
Witness

AFFIDAVIT

HANDWRITTEN STATEMENT

I, David Barron, state that: I reside at 364 Cross River, Horizon City, Texas 79927. I further state I am a friend of and have know (sic) Mark Rasmusson for approximately 7 to 8 years. In 1992 or 1993 I went to the offices of Rasmark to visit Mark. At that time their offices were located in Julie's Aircraft. When I arrived Rasmark was being raided by agents from U.S. Customs, DEA, FBI, and other agencies. They told me to get out and that the office was sealed off. Approximately 6 months after the business was raided I was called by an agent, whose name I don't recall, who told me he would cut me some slack if I would cooperate and be an informant for him. I flew around with Mark and he wanted me to tell him where Mark was going and what he was hauling. I told the agent Mark wasn't doing anything illegal and that everything he did was legitimate. The incident he was attempting to use involved a business associate of mine who was arrested for some type of gun violation. I told he agents I was only sharing office space with the individual they arrested. I was never arrested or charged regarding my associate's activities. D.B.

I have read the foregoing statement consisting of 2 pages, each of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each.

I made this statement freely and voluntarily without any threats or rewards, or promises of reward having been made to me in return for it.

/s/David Barron

Subscribed and sworn to before me this 28th day of October, 1996, at 7873 N. Loop, El Paso, TX.

/s/ Edward Wagner
Notary Public
My commission expires 9/29/99

/s/ H. Webb
Witness

[Paragraph numbers added to text]

Affidavit of Jerry Burnett

September 20, 1996

1. I Jerry Burnett state that I reside at 329 Pyrite in El Paso, Texas, telephone number 584-9644. I further state I was previously employed by Rasmark Jet Charter, including part of 1990. I have reviewed photocopies of a DEA Form 6 dated September 7, 1990, consisting of seven pages, and my trial transcript both of which are attached to and made part of this affidavit.

2. There are numerous items in the DEA report that are misleading statements or total lies. In paragraph 2, I told the agents I thought pilot Jimmy Young had made some trips. In paragraph 4, I never told the agents I know that Jesus Flores was in the illegal drug business. If I had even thought that I would have told Mark Rasmusson. Also in paragraph 4, I never had any discussions with Mr. and Mrs. Rasmusson, during the period indicated, about Flores being in the drug business. The Rasmussons never told me they know Flores was in the drug business, or that even though Flores was a dope dealer to fly him wherever he wanted to go, just be careful not haul illegal drugs. Those statements are total fabrications.

3. In paragraph 5, I never told Agent Perkins the passengers on the Cancun flight had substantial baggage, the passengers had a normal amount of baggage. Also in paragraph 5, it is also a fabrication that the Rasmussons did not want anyone to know about these trips. ... [correction initialed by affiant]. The flights were legally flown and entered in our FAA duty sheets.

4. In paragraph 6 I never knew the name of Arturo Bermudez until I was told it by DEA. I did identify a photo of an individual DEA told me was Arturo Bermudez, who was at Perkins I had the impression one of the passengers was from Bogota, Colombia. I also told agent Perkins that I did not speak Spanish well enough to speculate where the

passengers were from; however, agent Perkins persisted in that line of questioning. I also never told agent Perkins that I thought the passengers on the Orlando flight, discussed in paragraph 8, were illegal drug load drivers and they wanted to stay stay [sic] inside the jet so they would not be seen.

5. I also never told agent Perkins that I stayed away from asking direct pointed questions because I believed I was transporting Colombian illegal drug transporters, as stated in paragraph 11, regarding a third trip to Florida. Mark Rasmusson never told me the passengers I had taken to Florida for Jessie Flores were involved in the cocaine bust made by Mexican Federal Police in Villa Ahumada, Mexico. Mr. Rasmusson also never told me the passengers had been the pilots of the [aircraft seized by OCEDTF].

6. Paragraph 16 of the DEA report is a total lie. I never stated Mark and Deborah Rasmusson were not being truthful with the agents, or that they were scared to death that the truth would come out including IRS and FAA violations. I also never told agent Perkins that the Rasmussons knew Flores was an illegal drug trafficker. I also never told the agent Perkins the Rasmussons were taking cash under the table and not claiming the money on their taxes or business records. I also was never told by Mark and Deborah Rasmusson that Flores was paying in cash and the cash could not be traced to them, and I did not make that statement to agent Perkins.

7. I did tell agent Perkins that Rasmark had done approximately $50,000 in work for Flores, but never used the word pocketed. I also never told DEA that the Rasmussons had not filed IRS reports when they received in excess of $10,000 cash from Flores. I did tell agent Perkins that I received cash from one of Jessie's boys of something less than $10,000. After I left Rasmark, Flores negotiated with me personally on several occasions to pilot him. Rasmark contracted the aircraft but had nothing else to do with arranging the flight.

8. I was never shown a copy of the DEA report to verify or correct the statements attributed to me by DEA until just before Flores' and Mark Rasmusson's trial. At that time I told him about all the incorrect statements in his report and he indicated he would correct them. I learned during the trial his report was never corrected.

/s/ Jerry Burnett

State of Texas
County of El Paso

Jerry Burnett, personally appeared before me, and being first duly sworn declared that he/she signed this affidavit, and further states that he/she has read the affidavit and the statements contained herein are true.

Sworn to and subscribed before me this 20th of Sept., 1996.

/s/ Edward Wagner
Notary Public
My commission expires on 9/29/99

[Paragraph numbers added to text]

Affidavit of Jerry Burnett

November 13, 1996

1. "I Jerry Burnett state that I reside at 329 Pyrite, El Paso, Texas, 79932. I further state that on or about October 7, 1988 I was in Brownsville, Texas. It was my first trip for RASMARK and I was dispatched there to pick up a load of cargo for delivery to Youngstown, Ohio. I was kept on hold for about an hour and a half, but no cargo ever arrived.

2. When I attempted to leave Brownsville for El Paso, six or seven Border Patrol agents, who stated they were acting as U.S. Customs agents, surrounded the plane and trained automatic weapons and a shotgun on the plane. I was in the plane with one engine running and the other engine was in the middle of the start sequence. My copilot was closing the door at the time the agents came to the pl ane. One of the agents had the two copilots outside the plane and was screaming at me to get out of the plane. The agent put his foot on the door step, and his head in the door way while screaming at me.

3. I shut down the engine that was in the start sequence and attempted to correctly shut down the other engine; however, the agents forced me out of the plane prior to my complying with the proper engine stopping procedures. Since there is fuel in the core of the engine, it must be monitored while shutting down, otherwise there is an extreme fire hazard. The agent that forced the crew and myself off the plane, determined that I was in charge of the plane. A young fat office poked a shotgun into my body and was shaking so much I was afraid he was going to pull the trigger by accident. The agent in charge told me they had Customs authority under some act of 1988.

4. I told them I had no objection if they wanted to search the plane. The agents placed the crew against the wing of the plane and did

a thorough pat down of the crew for weapons. I specifically requested that the fat agent lower the shotgun from my body. All of the guns remained trained upon each crew member. Next the agents requested identification from us. One of the copilots was so nervous that he could not get his ID out, so the agents had him put his hands up and told him to relax. The agents then told him to get his ID and when he put his hands behind his back the agents all pointed their weapons at him. My copilot was so scared that he defecated in his pants.

5. After that, the agents would not touch the copilots wallet, so I asked their permission to get his wallet while his hands remained in the air, which they permitted. The agents then opened and searched the entire plane including the plane's interior, cockpit, and cargo area. Of course, no contraband was found, because we were not carrying any. When the agents decided to leave, the agent in charge stated they were through. I hollered at him that only a few seconds earlier they had their guns pointed at us, and the fat agent had a shotgun poked into my body. The agent in charge told me that he had a confidential source that stated our plane was in Brownsville to pick up a load of drugs. They did not say anything else and then left the area.

6. In the summer of 1990, while I was still employed with RASMARK, I was sent to Del Rio to pick up passengers. Upon arrival in El Paso, my plane was surrounded by three cars of U. S. Customs agents. I know they were U. S. Customs because that is what they told me. I was ordered to go the U. S. Customs ramp to clear customs. I told them I had not crossed the border. One of the agents stated that I had crossed the border at Del Rio and that he had a picture from the radar balloon of my plane crossing the border. I told them I had followed the instrument flight as directed by the Air Traffic Control. I called to my copilot who was still in the right seat of the aircraft and told him to call ATC on the radio to freeze the tapes. I told the agent I wanted to see the pictures of me crossing the border, but he insisted that I must go to customs. By that time one of the customs cars left the scene. I told the agent if he wanted to search the plane we did not have to go to customs and that they could search the plane where we were stopped. At that time, a second custom's car left, which left the agent whollwas doing all the talking by himself.

7. The agent then started to tell me he was going to let me go this time, but if he ever caught me again . . . , [original text] but before he could finish I told him I wanted him to arrest me. Without saying anything else the agent got into his car and left.

8. During the time I flew for RASMARK and Mark Rasmusson I never flew and never saw any of the other pilots fly any illegal contraband including drugs.

/s/ Jerry Burnett

State of Texas
County of El Paso

Jerry Burnett, personally appeared before me, and first being duly sworn declared that he signed this affidavit consisting of four pages, and further states that he has read the affidavit and the statements contained therein are true.

Sworn to and subscribed before me this 13th of November, 1996.

/s/ Edward A. Wagner
Notary Public
My commission expires on 9/29/99

[Paragraph numbers added to text]

Affidavit

1. I, David Chavez, make the following free and voluntary statement to Private Investigators Hank Webb and Ed Wagner at El Paso, Texas on 10/17/96 .

2. I have reviewed a DEA Form 6 dated 9-1-1990 prepared by DEA Agent Steven Perkins. Agent Perkins interviewed me on 8-27-90. I was interviewed regarding information related to my duties as Director of Marketing for Rasmark Jet Charter Service.

3. In paragraph five, page two of the DEA Form 6, a figure of $40,000.00 per month was suggested as the amount of business which Rasmark received from Jesus Flores. I was quoted as stating that $40 ,000.00 per month would make Flores one of Rasmark's largest accounts. I did not suggest the $40,000.00 per month figure. That amount was suggested by Agent Perkins. As best I recall, Mr. Flores chartered a flight about every five or six weeks over an eight or nine month period. His total bill for that period would have probably been $40,000.00 or $50,000.00. That did not make the Flores account a "major account". The major accounts were in the million dollar range. Ford Motor Co. was an example of a major account. That account was in excess of a million dollars.

4. The remainder of the information in the DEA Form 6 was correct. Regarding the incident in May 1992 involving the box of records seized by US Customs Agent Larry Frost, I recall the following details.

5. Deborah Rasmusson phoned me on Saturday May 23, 1992 and asked me to meet her at the Rasmark office. When I arrived at the office, Debbie showed me a box of business records which she stated she found in . . . [correction by Affiant] the accounting office. Mr. Apodaca was an accountant for Rasmark. The cardboard box contained invoices and other business records but nothing else unusual. Debbie

asked me if I know anything about the records in the box. I replied that I did not. She also asked me if Mark Rasmusson and Apodaca were running a second air charter service. I told her that I had no such knowledge. I then left the office and returned home.

6. About 10:30 or 11:00PM that same date, Debbie called me and asked me to pick her up at a Shamrock station on Viscount. I drove to the station in a Rasmark van. When I arrived I saw Ian, Debbie's son, sitting in a vehicle with his hands handcuffed behind his back. Debbie was inside the station with the door locked. Agent Larry Frost and some other agents were standing outside around the station.

7. I went inside the station and talked to Debbie. She was very upset and almost hysterical. She asked me to get the box of records from Agent Frost and then take her and Ian back to the Rasmark office. I went back outside and asked Agent Frost for the box of records. He had a cardboard box which looked like the box Debbie had shown to me earlier in the day at the Rasmark office. Agent Frost told me that I could take Debbie and Ian but that he was keeping the box of records as evidence. I relayed the message from Frost to Debbie and tghen drove Debbie and Ian back to the Rasmark Office.

8. A few days later while working in the Rasmark office, I received a call from Agent Frost. He asked me to talk to Debbie Rasmusson and try to convince her to testify against Mark Rasmusson. He told me that he had offered her a new identity if she would testify. Mark was sitting in the same room and I signaled for him to pick up the phone. When Mark got on the line and identified himself, Agent frost [sic] immediately hung up.

9. After that incident, I had no further contact with Agent Frost.

I have read this statement consisting of 3 pages. The

information contained herein is true and correct to the best of my knowledge.

Signed this 17th day of October, 1996.

/s/ David Chavez

Subscribed and Sworn to before me, the undersigned authority on this the 17th day of October, 1996.

/s/ Edward Wagner
Notary Public in and for the
State of Texas
My Commission Expires: 9/29/99

[Paragraph numbers added to text]

Affidavit of Beverly Enriquez

1. I Beverly Enriquez, state I am currently employed by Lear, formerly known as Favesa, and have been since 1986. Since 1987 I have been a traffic/distribution specialist. I am responsible for the set-up, shipment, and delivery of parts to Ford assembly plants. Shipment is normally handled by land and air carriers. I was also intermittently responsible for the handling of the carriers accounts as was Manuela Barron. Andy Gantkessy was their immediate supervisor. His job included contracting with the carriers, such as Aero Freight and RASMARK. Joe Sudomir was Andy's supervisor and had the final say as to which carrier was used.

2. I am not aware of RASMARK ever double invoicing, providing false invoices or over billing. In addition, I have never heard Manuela Barron state that RASMARK was involved in any of those activities. Ford's/Favesals control over the payables and invoices would have identified and precluded manipulation of the invoices by the carriers; however, RASMARK never engaged in that type activity. Manuela Barron is meticulous in her handling of the invoices and picks up discrepancies of just a few cents. RASMARK's rates were always competitive with the other charter services including Aero Freight.

3. An average charter with a carrier such as RASMARK cost approximately $2,000 to $3,000. The idea that Andy Gantkessy was receiving kickbacks of $5,000 per charter from RASMARK is ridiculous. An expensive charter might be as high as $8,000. I know Andy
Gantkessy to be an honest man and friend of mine. I am not aware of and have no information that Andy received any kickbacks or gratuities from RASMARK or any of the other carrier services. When I told the Ford investigators the preceding they ignored what I told them. I am aware that RASMARK sent out several fax messages selling raffle tickets to support a charity at Providence Hospital. I believe the charity

may have been called Miracle Program, or something like that. The raffle prizes did include a free trip. RASMARK also sold raffle tickets at the Amigo Air Show, and the prizes included free trips.

4. RASMARK also sold space on flights to Las Vegas. On one of these trips Andy had purchased seats for himself and his wife Loretta. For some reason Loretta was unable to attend and Andy invited me. We were responsible for our [sic] the rest of our expenses. I recall working one evening when two Ford management officials, Bob Card and Bob Essad took a similar trip to see a Mike Tyson fight in Las Vegas, with one of the other charter services. This trip took place in 1987 or 1988. My job required that I frequently work at night, including at RASMARK, and I have never seen any one with guns around the RASMARK planes or in the immediate vicinity.

5. When Andy went on medical leave in approximately 1991, Joe Sudomir held over $1,000,000 in unpaid RASMARK invoices. I remember him coming to my desk and taking the RASMARK invoices off my desk and telling me that in the future he would be handling their account. I don't know why he did that. I was being contacted almost daily by RASMARK about the unpaid invoices.

6. I filed a sexual harassment and discrimination suit against Joe Sudomir with Ford. I also know several other women filed complaints or suits against Sudomir with Ford. Andy supported the Favesa employees, including myself, in the statements and actions made against Ford. I believe that Ford used the alleged kickbacks and violations of C-3 policy as a way to get back at Andy because he did not side with the other Ford management officials. Because Andy was a manager they wanted him to side with management even though they were wrong. I was not informed on C-3 policy till way after the trip [original handwritten and initialed].

7. I was also present in 1993 when 6 to 7 agents or law enforcement officers came to Favesa to interview Andy. There were so many of them they didn't fit in Andy's office so they had to go to a conference room. When they finished and Andy came out he looked like he was going to have a heart attack and in a state of shock. Andy said he

was sick and immediately went home.

/s/ Beverly Enriquez

State of Texas
County of El Paso

Beverly Enriquez, personally appeared before me, and first being duly sworn declared that she signed this affidavit, and further states that she has read the affidavit, consisting of three pages, including this page, and the statements contained therein are true.

Sworn to and subscribed before me this 30th of October, 1996.

/s Edward H. Wagner
My commission expires on 9/29/99

[Paragraph numbers added to text]

Affidavit

1. I, John Farah, make this free and voluntary statement to Hank Webb and Ed Wagner. I reside at 4532 North Mesa, El Paso, TX 79912.

2. In 1988 and 1989 I was employed as a dispatcher for Rasmark Jet Charter Service. Sometime in 1988 1 was working at the Rasmark office at the El Paso Airport. Mark and Debbie Rasmussen [sic] had just left in one of the company planes. An individual approached me and identified himself as a federal law enforcement agent. I do not recall which agency he represented. He started asking me questions about Mark and Debbie. He asked me where they were going on the flight which had just departed. He also asked me whether Mark and Debbie were involved in anything illegal. I told him that I didn't know of any illegal activities involving either Marl [sic]or Debbie Rasmussen.

3. I later observed this same individual on several occasions parked near the Rasmark Hanger or in the parking lot near the office.

4. I have read the foregoing statement consisting of 2 pages, each of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each.

5. I made this statement freely and voluntarily without any threats or rewards, or promises of reward de to me in return for it.

/s/ John Farah
Signature of Affiant

State of Texas
County of El Paso

John Farah , personally appeared before me, and being first duly sworn declared that he signed this affidavit, and further states that he has read the affidavit and the statements contained therein are true.

Sworn to and subscribed before me this 18th of Sept. 1996.

/s/ Edward Wagner
Notary Public,
My Commission expires 9-29-99

[Paragraph numbers added to text]

Affidavit

1. I John Gorman state that my address is 8440 Valvedere Suite 5, Sacramento, California 95826, telephone number 916/386-4270. 1 further state that I have been friends with Mark Rasmusson since prior to 1990, and that I have taken a number of vacation trips with Mark to Mexico.

2. On three occasions when returning from San Carlos, Mexico aboard a RASMARK aircraft we were stopped and harassed by United States Customs Service agents. These incidents took place in 1992 and 1993. Two of the three incidents took place-around the September 24th weekend, which is my birthday and coincided with Mark and Deborah Rasmusson's anniversary.

3. On one occasion, U. S. Customs made us wait inside the aircraft for approximately one-half hour before they came out to search the plane. There were no other aircraft on the tarmac while we were waiting. The agents searched our luggage and even turned our golf bags upside down on the tarmac.

4. On a second occasion, the aircraft was stopped and the agents made us wait inside the plane for approximately forty-five minuets [sic] to one hour before they searched the plane. The temperature outside was over one-hundred degrees. Again, there were no other aircraft on the tarmac.

5. During the third incident, which took place on a Monday evening, we were held inside for over two hours waiting for the agents to search the plane. I recall the amount of time we waited because I watched over three-quarters of the Monday night football game. Cheater Bella was also present during this trip. No seizures were made by the Customs agents during these three incidents.

6. Because of the on-going harassment by government agents

when I traveled with Mark Rasmusson, I became very reluctant to fly on any RASMARK [emphasis in original] aircraft.

/s/ John Gorman

State of California
County of Sacramento

John Gorman, personally appeared before me, and being first duly sworn declared that he signed this affidavit, and further states that he has read the affidavit and the statements contained therein are true.

Sworn to and subscribed before me this 11th day of October, 1996.

/s/ Hilli K. Simonds
Notary Public
My commission expires on 3/15/2000

[Paragraph numbers added to text]

TWO HANDWRITTEN STATEMENTS OF

DAVID JACKSON

[Statement 1]

1. On June 16, 1993, U.S. Customs Agents performed a surprise armed raid on our Learjet N25TK at Dallas Love Field. We were on a routine cargo flight from Douglas, AZ to Ocala, FL with a fuel stop at Dallas.

2. We landed on runway 13R and when we turned off on to the taxiway, a Dallas Police car drove towards the aircraft and blocked our path. Within a couple of minutes a U.S. Customs Citation Jet landed and taxied behind us, and a helicopter with searchlight began hovering above the aircraft. Next a van pulled up in front of the aircraft. Several customs agents and customs police exited and surrounded us, all with weapons drawn and pointed at us. Ground control informed us that these people wanted us to shut the plane down and deplane. My co-pilot exited first and was told to kneel down and was handcuffed. I exited and was told to kneel down with my ankles crossed and hands on my head. Anders was put in the van. The agents asked me what was in the plane. I told them we just had three boxes of cargo and asked if they would like to see the Bill of Lading, which they inspected. I was then told to taxi the plane in trail of the Dallas Police car. One of the agents rode in the plane with me. Their plane was parked at Jet East. I asked the agent in the plane why we were being raided. He responded that they had received some information that they needed to check out. I asked if he could tell me who gave them the information, but he said he couldn't tell me.

3. After the plane was shut down, another agent asked if I would sign a consent to allow them to search the aircraft. I asked what they would do if I refused. She told me that then we would be detained overnight until they could obtain a search warrant the following day. I

explained that we were carrying time sensitive cargo and that amount of delay would ...[correction in original] be unacceptable. I therefore signed the consent under duress.

4. They inspected the aircraft documents, my airman certificate, medical certificate and my resident alien card and made photocopies of these.

5. The aircraft and cargo was searched thoroughly, including inside the inspection hatch ("hell-hole"). Dogs were used to sniff inside and around the aircraft. The boxes of cargo, which contained seat belts were then sniffed. One dog chewed a hole in one box and began chewing on the seat belts, until an agent restrained it.

6. An agent asked me if we were hauling drugs, had ever hauled drugs, or if I knew of anyone in our company that ever had. I told him no.

7. ... [correction in original]. She [the agent] expressed surprise that a Learjet was being used to haul such a small quantity of cargo and asked me why the customer did not send the freight via overnight parcel service. I told her she would have to call Allied Signal, the customer, to get an accurate answer, but that I understood it to be extremely time sensitive freight. She also indicated that she was suspicious that we were flying at night and asked me why this was so. I explained that it is very common for such cargo to be hauled overnight.

8. The search being complete, we were released after a delay of about one hour.

[end of statement 1]

[Statement 2]

9/1/93 10:50 a.m.

Bill Inselmann	Leo Cunaman (214)655-5400
Dept of Justice	F.A.A.

13:15 BWI Signature Flight Support

1. Two agents identified themselves to me as agents of the U.S. Dept. of Justice. I asked what branch they were with. They told me DEA. They requested a routine ramp inspection of the aircraft documents per FAR 61. I understood them to mean they wished to search the aircraft and asked if they had a search warrant. They said they didn't need one. I called Rasmark's office to inform them of the inspection . The agents, sensing resistence from me, called the BWI FSDO and requested that an FAA inspector come to Signature [a FBO (Flight Base of Operation)], and help with the inspection. The two agents proceeded with me to the plane and inspected the aircraft registration, airworthiness [certificate], radio station license, airmen certificate, medical [certificate] and my resident alien card. The FAA inspector looked around inside the aircraft and performed an inspection of the AFM, MEL, OPS manual, weight and balance from the previous flight (EVV - BWI) and checked the aircraft. He also inspected the co-pilot's airmen certificate, medical and resident alien card.

2. I commented that I didn't mind the FAA inspector looking inside the aircraft, but if the DEA agents wanted to I wanted to see a search warrant. [After] [t]he inspection complete, one of the agents parted with the sarcastic words "I hope you finish law school soon".

[end of Statement 2]

/s/ DAVID JACKSON

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	§	CIVIL ACTION:
	§	
PLAINTIFFS,	§	EP-95-CA-475-F
	§	
vs.	§	
	§	
LAWRENCE E. FROST, ET AL.,	§	
	§	
DEFENDANTS.	§	
	§	

AFFIDAVIT OF DONALD MORRIS JOSEPH

STATE OF ARIZONA §
MARICOPIA COUNTY §

On this day personally appeared DONALD MORRIS JOSEPH who after being duly sworn stated upon his oath and belief as follows:

1. "My name is DONALD MORRIS JOSEPH, I am over the age of 21 years, and I am competent in all ways to make this oath and affidavit. I have personal knowledge of the facts and circumstances set forth below.

2. "I have read the Application and Affidavit for Search Warrant that was prepared by Agent Lawrence E. Frost on November 19, 1993, for the Rasmusson's residence located at 11157 Leo Collins Drive, El Paso, Texas and the Affidavit of Agent Frost for the search of the Rasmark offices. Agent Frost alleges that I made certain statements to Mr. Steve Thorn of Taos, New Mexico at a wedding reception at the Holiday Inn. Most of the Mr. Thorn's statements imputed to me are completely false and were made by him with malice against me and Rasmark.

3. "First on page 14 of the Affidavit for search of the Leo Collins residence, the wedding reception was not at the Holiday Inn. I was staying at the Holiday Inn and the wedding reception was at a private residence.

4. "On page 15 states that I was under the influence of alcohol which is true. However, Mr. Thorn was also under the influence of alcohol.

5 . "Mr. Thorn states that members of his family had invested in an air freight company in El Paso which he identified a Aero Freight. Later a friend of mine, Jerry Davis who has known Mr. Thorn for over 25 years, told me that the owner of Aero Freight was his twin sister Gail Beech.

6. "Agent Frost alleges that Mr. Thorn stated that I was obnoxious and stated that Rasmark was going to run all other air charters in El Paso out of business. This is completely false. I stated to Mr. Thorn that I worked for Rasmark in the capacity of Dispatcher and Sales Manager and that I also did collections from time to time.

7. "Agent Frost alleges that I stated to Mr. Thorn that Mark Rasmusson and I "[w]ere flying controlled substances and drug money 'all over the place' and that DEA was aware of their activities but can't catch them. 'Johnson repeated that DEA will never catch us 3 or 4 times during the course of the conversation with Mr. Thorn. This is absolutely 100% false.

8. I stated to Mr. Thorn that Rasmark was the dominated jet charter company in El Paso. I stated to Mr. Thorn that Customs has been harassing us by stopping and searching our planes without any reason or cause. I stated to Mr. Thorn that Customs treat us as if they believe we are continually flying contraband, money or something illegal. Customs repeatedly detain our aircraft, detain our crews, detain our freight or passengers and bring out the dogs and completely searched the contents of the aircraft be it freight or luggage. They have never found anything and they never will. I stated to Mr. Thorn that the reason that we are the leading jet charter company is that we out perform all the

others and get the job done cheaper.

9. "Agent Frost states that Donald Joseph had been observed accompanying Deborah Rasmusson on flights to Wickenburg, Arizona. I rebut any implication of illegal activity in the context of Frost's statement. I have relatives that live in Wickenberg, AZ. On their way to the Reno Air Races, Mark and Deborah Rasmusson dropped me off in Wickenberg on a Friday and returned on Sunday to pick me up and we returned to El Paso for work on Monday. Mark and Deborah Rasmusson were flying their Falcon jet on that trip.

SIGNED ON THIS 15 DAY OF JULY, 1996.

/s/ DONALD MORRIS JOSEPH, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS 15th DAY OF JULY, 1996.

/s/ NOTARY
NOTARY PUBLIC IN AND FOR THE
STATE OF ARIZONA
MY COMMISSION EXPIRES: Jan. 31, 1997

[Paragraph numbers added to text]

STATEMENT OF IAN MAYE

1. My name is IAN MAYE. I wish to make the following statement to Mr . Hank WEBB who is a Private Investigator in the employ of Attorney Sandra Sheppard.

2. On May 23, 1992 I went to the Rasmark office with my Mother, Deborah Rasmusson. I think it was late afternoon. When we got to the office my Mom found a box of records and became very upset. Shortly after we arrived there, officer George Salas showed up.

3. He started telling Mom that she was in great danger that my Step-Father, Mark Rasmusson, was going to kill her. Officer Salas convinced Mom and me to go with him in his car. He told Mom to bring her pistol. Officer Salas drove us to a bank. I think there were some agents waiting at the bank.

4. We left the bank, still in officer Salas' car and he took us to an office where there were several agents.

5. The agents separated Mom and me. Three or four agents took me into a room and started talking to me. They were very friendly and "buddie-buddie". They asked me lots of questions about my Step-Father, Mark Rasmusson. I stayed in the room with the agents for a long time, maybe over three hours.

6. After we had been there for a long time, Mom came out and told me that the agents wanted her to sign some papers so that they could protect her. I told her not to sign anything.

7. When Mom told the agents that she wouldn't sign anything, the attitude of the agents changed. They became aggresive and abusive.

8. One of the agents told me, "You think you're a 13 year old

lawyer. You're just a 13 year old punk - asshole." We, Mom and I wanted to leave but the agents wouldn't let us. Mom pulled the fire alarm and the agents took us back into the office for a few more minutes. Mom asked for a ride back to Rasmark but the agents told us to just leave.

9. We left the building and Mom carried the box of records. We walked to a nearby store and mom hid the box behind a transformer.

10. In a few minutes the same agents arrived. Mom was in the store and the agents were trying to get her to come outside. When she refused to go outside, one of the agents grabbed Mom's arm. Mom started screaming and I tried to help her.

11. Another agent grabbed me from behind, twisted my arm and choked me until I passed out. I fell on the pavement and they handcuffed my hands behind my back.

12. One of the agents took my Mom to where the box was hidden and the agent took the box from her.

13. I was put in the back seat of one of the agents' cars. After the agents got the box of records, they released me and my Mom.

14. A Rasmark employee came and picked us up and took us back to the Rasmark office.

15. I have read this statement consisting of page and three other pages. The information contained herein is true and correct to the best of my knowledge.

/s/ IAN MAYE 4/2/97

/s/ Henry A. Webb 4/2/97
Witness

I swear that I interviewed IAN MAYE on April 2, 1997. He furnished the information contained in the forgoing handwritten and signed statement. Mr. Maye read the statement and approved it for correctness prior to signing it.

SIGNED THIS THE 3rd DAY OF APRIL, 1997.

/s/ Henry A. Webb
Signature of Affiant

State of Texas
County of El Paso

Hank Webb, personally appeared before me, and being duly sworn, declared that he signed this affidavit, and further stated that he read the affidavit and the statements contained therein are true. Sworn to and subscribed before me this 3rd day of April, 1997.

/s/ Dolores Diaz Olague
Notary Public
My commission expires 5/5/99.

AFFIDAVIT

HANDWRITTEN STATEMENT

I, Julio Parra, state that I reside at 4839 Tetons, El Paso, Texas 79904, telephone number 757-9102. I have been employed at Rasmark since approximately 1989. Sometime, in approximately 1993 or 1994 government agents came to the Rasmark office at Julie's and questioned the employees of Rasmark. The agent that questioned me was Hispanic. I do not recall his name or agency. He asked me if I ever saw anyone with guns guarding the Rasmark aircraft, and I told him no.

During a later incident one of the pilots was taxing one of the falcons and three car loads of agents pulled up to the aircraft. I believe they were FBI agents. Some of the agents started questioning me, and asked if I ever saw large quantities of money loaded on the aircraft (I had not). I told them I had nothing to say to them and they told me I could talk to them at Rasmark or their office downtown. They also asked me where Mark and Deborah Rasmusson were (I believe they were in the Cayman Islands). I again told them I had nothing to say and they left. JP

I have read the foregoing statement consisting of 1 pages, each of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each.

I made this statement freely and voluntarily without any threats of rewards, or promises of reward having been made to me in return for it.

/s/ Julio Parra

Subscribed and sworn to before me this 17th day of September, 1996 at El Paso, Texas, El Paso County

/s/ Edward Wagner
Notary Public

My commission expires 9/29/99

/s/ H. Webb
Witness

Affidavit of Jack Quarles

I Jack Quarles state that I am employed at the El Paso Airport Hilton, telephone # 778-4241. I am a friend of and have known Mark Rasmusson for several years. In approximately 1993, whenever Mark was going through his divorce, I allowed him to stay at the Hilton with a comp or discounted room rate. While staying at the Hilton, he used the name of a friend so his wife could not locate him. I eventually had to ask him to leave because of harassment by law enforcement officers. I was personally contracted by individuals who identified themselves as Customs agents on 2 or 3 occasions. One of the agents was an Anglo, tall, with a moustache. They told me they were investigating Mark and know he was staying at the Hotel, but that he was not registered in his name. Because the agents started questioning other employees and hanging out in the lobby, I asked Mark to leave. I was affraid theymight raid the hotel. One of the employees they questioned was Lee Andrea now employed at the Emerald Springs Country Club.

I have read the foregoing statement consisting of 1 pages, each of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each.

I made this statement freely and voluntarily without any threats or rewards, or promises of reward having been made to me in return for it.

/s/ Jack Quarles

Subscribed and sworn to before me this 19th day of September, 1996, at Emerald Springs Country Club.

/s/ Edward H. Wagner
Notary Public

/s/ Henry A. Webb
Witness

[Paragraph numbers added to text]

Affidavit

1. I Edward H. Wagner state that Adrian Varela resides at 813 Santa Barbara, El Paso, Texas, telephone number 915/598-3982. 1 further state that I went to Mr. Varela's residence at approximately 2:00 p.m. on September 16, 1996 and talked with Mr. Varela's wife. Mr. Varela telephoned me later that evening per my request. In response to questions by me Mr. Varela stated the following:

2. While he was employed at RASMARK, he was contacted by a law enforcement officer at his residence. The officer wanted him to sign a false statement regarding Mark Rasmusson, which he refused to do.

3. Mr. Varela then stated he did not want to make any other statements. He also stated he would not sign any statements or give any additional information or help anyone unless he was given a subpoena. The telephone conversation was terminated at that time.

/s/ Edward H. Wagner

State of Texas
County of El Paso

Edward H. Wagner, personally appeared before me, and being first duly sworn declared that signed this affidavit, and he further states that he has read the affidavit and the statements contained therein are true.

Sworn to and subscribed before me this 27th of September, 1996.

/s/ Dolores Diazolague
Notary Public
My commission expires on 5/5/99

AFFIDAVIT

HANDWRITTEN STATEMENT

I, Hector Sambrano, state that I reside at 1530 George Dieter, El Paso, Texas 79936, #13N. I further state that I am a marketing and dispatch specialist for Rasmark and have been since July 4, 1994. My primary job is to obtain new clients/customers for Rasmark. Since my employment, Rasmark has been turned down by substantial potential customers because of Mark Rasmusson's alleged past problems with the government.

When I went to Lear Seating, formerly Favesa (a Ford division) I talked to Jim Wood, the plant manager, who alluded to Mark's previous problems (without being specific) and decided not to do business with Rasmark.

In a second instance I contacted Ruben Smith at EWD (a Chrysler division), who also brought up Mark's prior problems with the government and also declined to do business with Rasmark. Ruben Smith also told me that Gail Beech at Aero Freight had talked to someone at Chrysler Pentastar about Mark's "drug deals." H.S.

/s/ Hector Sambrano

I have read the foregoing statement of 2 pages, each of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each.

I made this statement freely and voluntarily without any threats or rewards, or promises of reward having been made to me in return for it.

/s/ Hector Sambrano

Subscribed and sworn to before me this 17th day of September, 1996, at El Paso, Texas, El Paso County.

/s/ Edward Wagner
Notary Public

My commission expires: 9/29/99

/s/ H.Webb
Witness

[Paragraph numbers added to text]

Affidavit

1. I Arturo Vargas state that my business is located at 432 N. Resler, telephone number 915-587-0207. I further state I have reviewed excerpts from . . . [correction initialed in original] a USCS Report contained in an affidavit for a search warrant by United States Customs Service Agent Larry Frost, which is attached to and part of this affidavit.

2. I never told the agents RASMARK was double invoicing and altering the dollar amounts and cargo on invoices. What I did tell the agents was that in some instances, if a customer or RASMARK lost an invoice, a new invoice would be prepared to replace it. Thus, a second invoice is generated for exactly the same amount. The dollar amount and cargo would not be altered.

3. My duties and responsibilities did not include handling cash receipts. What I discussed wsith the agents was the petty cash fund. I was in charge of the petty cash fund, which was used for miscellaneous office expenses and for the pilots, a normal business procedure. That is what the referenced "cash receipts" related to, not the daily business receipts.

4. The agents also made reference to Mark Rasmusson keeping computer records which were not accessible to the other office computers/network. The truth is I had not idea what Mr. Rasmusson kept on his computer, and had no reason to ask.

5. I have no recollection concerning the agents statement that Albert Apodoca told me Deborah Rasmusson admitted not paying taxes on $100,000 of income in 1990 or 1991. What I did discuss with the agents was a potential discrepancy with the RASMARK accounts receivable. The discrepancy was the result of preparing a replacement or second invoice for a lost or missing invoice. If the original

receivable was not deleted from the computer it would cause a discrepancy/increase in the accounts receivable. However, this would not affect income because RASMARK was a cash basis corporation.

6. It is true that Deborah Rasmusson accused me of being an FBI agent. I know this from David Chavez. It is also true that Deborah Rasmusson would not give me access to corporate and personal bank records because she was suspicious of me. While employed at RASMARK I never observed or had any reason to believe there was any illegal activity being conducted. I was dismissed from RASMARK by Deborah Rasmusson over $20.00 missing from the petty cash fund. When I was interviewed I told the agents I had been dismissed. I was never shown a copy of the United States Customs service report to verify or correct the statements attributed to me and later used by agent Frost in his affidavit for a search warrant.

/s/ Arturo Vargas

State of Texas
County of El Paso

Arturo Vargas, personally appeared before me, and being fist duly sworn declared that he signed this affidavit, and further states that he has read the affidavit and the statements contained therein are true.

Sworn to and subscribed before me this 3rd of February, 1997.

/s/ Edward Wagner
Notary Public
My Commission expires on 9/29/99

[Paragraph numbers added to text]

Interview of Blanca Vasquez

1. Blanca Vasquez, furnished the following information to Private Investigator Hank Webb on Aug 26, 1996.

2. She is the Sanitation Superintendent for the City of El Paso.

3. In order for a law enforcement agency to retrieve solid waste(garbage) from a private residence, the following actions must be taken.

4. The law enforcement agency must submit a request letter to her office advising her of the address involved, the length of time for which the solid waste is to be retrieved, and the name of the law enforcement officer who will actually retrieve the solid waste. If she, Vasquez, approves the request, she refers the request to the appropriate Sanitation Department Supervisor for the area where the address is located.

5. The Supervisor then contacts the designated law enforcement officer and arranges for the actual pick up of the solid waste. The normal procedure is for a Sanitation Department employee to pick up the solid waste from the residence in question and deliver it to the law enforcement officer some distance away from the residence.

6. The law enforcement request letters are kept on file for one year and then destroyed. There is one central file for all letters. She checked the file for the address of 11157 Leo Collins and found no law enforcement letter requesting to pick up solid waste at that address.

7. No law enforcement officer or other person would be allowed to go onto private property to pick up solid waste. A city ordinance, (Ord. 8652, Section 11-20) states that "No person other than an authorized collection agency shall collect or transport any solid waste

or open or disturb the contents of any solid waste storage container".

8. In the event it should become necessary for anyone to testify regarding Sanitation Department policy, She, Vasquez, would be the appropriate person to subpoena.

9. Ms. Vasquez was recontacted and requested to review the above information for correctness and then to sign an affidavit. She advised that the El Paso City Attorney's office instructed her not to sign any statement until she receives a court subpoena.

10. I certify that the above information attributed to Blanca Vasquez on Aug 26, 1996 was furnished to me and that I accurately recorded the information to the best of my ability.

/s/ HENRY A. WEBB

Subscribed and sworn to before me, the undersigned authority, on this twenty-eighth day of october, 1996.

/s/ Edward Wagner
Notary Public
In and For the State of Texas
My Commission expires: 9/29/99

[Excerpt: (9.04.010 omitted)]

Article 1. General

9.04.020 Responsibility for compliance.

A. The owner, agent and occupant of any residence, business establishment. industry, institution or other premises shall be jointly and severally responsible for the sanitary condition of and for proper storage, containment and provision for collection of solid waste generated on or by or accumulating on or at such residence, business establishment, industry, institution or other premises in accordance with the provisions of this chapter.

B. Any person, company or corporation who undertakes to collect, transport or dispose of solid waste shall be responsible for compliance with the sections of this chapter. (Ord. 8652 (part), 1986: prior code § 11 -2).

AN ORDINANCE AMENDING CHAPTER 11 (SOLID WASTE MANAGEMENT), OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN SECTION 11-39 OF THE EL PASO CITY CODE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Chapter 11 (Solid Waste Management) of the El Paso City Code be amended as follows:

ARTICLE 1. GENERAL [Section 11-1 - Section 11-19 omitted]

Section 11-20. Unauthorized Collection and Transportation Prohibited.

No person other than an authorized collection agency shall collect or transport any solid waste or open or disturb the contents of any solid waste storage container.

[Paragraph numbers added to text]

Affidavit

1. I, Larry Vaughn, make the following statement to Hank Webb and Ed Wagner. I reside at 945 Mesa Hills, El Paso, TX 79912.

2. I am the Director of Maintenance for Rasmark Jet Charter, Inc. and have been so employed for about two and one half years.

3. When I was hired by Rasmark in the Spring of 1994 , practically all the FAA required maintenance manuals had been seized by U.S. Customs officers. These records included engine log books, airplane log books, and other maintenance logs needed to properly supervise the maintenance of the Rasmark air fleet.

4. It was my understanding that the logs had been seized for possible use in a criminal case involving Mark and Debbie Rasmussen. Since all charges had been dismissed against the Rasmussens [the Rasmussons were never charged with any crime] I attempted to obtain the log books from U.S. Customs in order to comply with FAA regulations. During the time the log books were in the possession of the federal agents, the Rasmark Company received permission from FAA to utilize temporary log books. This permission was obtained through FAA inspectors Mannie Lopez or Dale Hunter. Since using the temporary logs was expensive and was not acceptable over a long period of time, I felt that I needed to obtain the original logs as soon as possible. Either Mannie Lopez , Dale Hunter, or both, contacted U.S. Customs and requested that the aircraft logs be returned to Rasmark since they were no longer needed as evidence. This request was denied. I determined that Larry Frost, a U.S. Customs Agent, was the individual who had control of the records and would not release them.

5. I phoned Mr. Frost, introduced myself, and explained to him that it was very important that the aircraft records be returned to Rasmark. He stated that he wanted to meet me and asked me to come over to his office and meet him. I drove over to the office but could not

get into the building. I continued contacting Mr. Frost and was finally able to meet him in the parking lot of the building where he worked.

6. I again explained to him why it was so important that I have the original FAA aircraft logs to use in supervising the maintenance of the Rasmark aircraft. Mr. Frost started asking me questions about Mark and Debbie Rasmussen and attempted to convince me to become an informant for him. He indicated that he would not release the aircraft records to me. He stated that they were still needed as evidence and could not be released. As I started to leave, he told me to tell Mark Rasmussen that he, Frost, was not interested in Mark Rasmussen, but just wanted his help in catching a "bigger fish".

7. I continued to contact Mr. Frost and request that the records be returned to Rasmark. He finally told me to write a letter to him and request each item by inventory number. I had the necessary letter prepared and delivered it to Larry Frost. He accepted the letter and stated that he would consider returning the aircraft logs. I met with Mr. Frost on several occasions and on every occasion he asked me numerous questions about Mark Rasmussen. He also continued his efforts to recruit me as an informant.

8. On one occasion, after delivering the letter of request to Mr. Frost, he asked me to meet him in the parking lot at his office. I met his in the lot as he requested. While we were talking, a female agent arrived in a pick-up truck containing several cardboard boxes in the back. Mr. Frost told me that the boxes in the back of the pick-up contained the aircraft logs which I had requested. I was allowed to take possession of the eight or nine boxes. These events transpired on 6-4-94. When I returned to my office and reviewed the items which had been returned, I discovered that some items were still missing.

9. I phoned Mr. Frost the following morning and advised him about the missing items. He stated that he had returned everything in his possession and he had no information regarding the missing records. One of the critical items which was never returned was an aircraft engine log book.

10. The loss of this log book and having to perform maintenance operations using temporary logs caused an undue hardship and considerable unnecessary expenses on the Rasmark Co. Needless hours were spent trying to reconstruct records in order to comply with FAA regulations. Countless hours were spent writing letters, making phone calls, and contacting other maintenance contractors in an effort to reconstruct maintenance logs to satisfy FAA regulations. Rasmark was forced to operate on Temporary logs from November 1993 to June 1994 while our records were being held by U.S. Customs.

11. I have read this statement consisting of 4 pages, each of which I have initialed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I have made any necessary corrections and have initialed each correction. I made this statement freely and voluntarily without any threats, rewards, or promises of rewards having been made to me in return for it.

/s/ Larry Vaughn
Signature of Affiant

State of Texas
County of El Paso

Larry Vaughn, personally appeared before me, and being first, declared that he signed this affidavit, and further stated that he read the affidavit and the statements contained therein are true.

Sworn to and subscribed before me this 18th day of Sept., 1996.

/s/ Edward H. Wagner
Notary Public
My commission expires on 9-29-99

/s/ Henry A. Webb
Witness

Affidavit

I Chris Yarber . . . [correction in original] state that I work at International Transmissions, 9576 Dyer, El Paso, Texas, telephone # 751-3447. My home telephone # is 593-6821. I further state I have known and been friends with Mark and Deborah Rasmusson approximately seven years. In 1990 or 1991 I flew with Mark & Deborah to Vancouver . . .[correction in original] (BC)/Canada. Mark and Deborah were going on a cruise, leaving from that area. I was with a friend named Felix Pedregon. Mark, Deborah, Felix and I left the airport. Felix and I returned to airport and the plane approximately four hours later. We had flown to Vancouver in one of the RASMARK Lear Jets. Upon returning Felix and I were strip searched by Canadian authorities. They also asked me "where are the drugs." The plane was also searched and the RASMARK pilots strip searched. To this day, whenever Mark and I are returning/flying in from Mexico his planes are always searched by U.S. Customs.

I have read the foregoing statement consisting of 1 pages, each of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each.

I made this statement freely and voluntarily without any threats or rewards, or promises of reward having been made to me in return for it.

/s/ Chris Yarber

Subscribed and sworn to before me this 24 day of Sept, 1996 at El Paso, Texas.

/s/ Edward Wagner
Notary Public
My commission expires: 9/29/99

/s/ Henry Webb
Witness